

STATE OF MINNESOTA

EIGHTY-FIFTH SESSION — 2008

 ONE HUNDRED THIRD DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, APRIL 16, 2008

The House of Representatives convened at 9:00 a.m. and was called to order by Al Juhnke, Speaker pro tempore.

Prayer was offered by Brother John Kerr, St. Bridget Catholic Church, Minneapolis, Minnesota.

The members of the House gave the pledge of allegiance to the flag of the United States of America.

The roll was called and the following members were present:

Abeler	Dominguez	Hilstrom	Lieder	Otremba	Slocum
Anderson, B.	Doty	Hilty	Lillie	Ozment	Smith
Anderson, S.	Drazkowski	Holberg	Loeffler	Paulsen	Solberg
Anzelc	Eastlund	Hoppe	Madore	Paymar	Swails
Atkins	Eken	Hornstein	Magnus	Pelowski	Thao
Beard	Emmer	Hortman	Mahoney	Peppin	Thissen
Benson	Erhardt	Hosch	Mariani	Peterson, A.	Tillberry
Berns	Erickson	Howes	Marquart	Peterson, N.	Tingelstad
Bigham	Faust	Huntley	Masin	Peterson, S.	Tschumper
Bly	Finstad	Jaros	McFarlane	Poppe	Urdahl
Brod	Fritz	Johnson	McNamara	Rukavina	Wagenius
Brown	Gardner	Juhnke	Moe	Ruth	Walker
Brynaert	Garofalo	Kahn	Morgan	Ruud	Ward
Buesgens	Gottwalt	Kalin	Morrow	Sailer	Wardlow
Bunn	Greiling	Knuth	Mullery	Scalze	Welti
Carlson	Gunther	Koenen	Murphy, E.	Seifert	Winkler
Cornish	Hackbarth	Kohls	Murphy, M.	Sertich	Wollschlager
Davnie	Hamilton	Kranz	Nelson	Severson	Zellers
DeLaForest	Hansen	Laine	Nornes	Shimanski	Spk. Kelliher
Demmer	Hausman	Lanning	Norton	Simon	
Dettmer	Haws	Lenczewski	Olin	Simpson	
Dittrich	Heidgerken	Liebling	Olson	Slawik	

A quorum was present.

Clark and Dean were excused.

Westrom was excused until 10:15 a.m. Dill was excused until 10:45 a.m. Lesch was excused until 11:25 a.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Fritz moved that further reading of the Journal be suspended and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

Sertich moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

RECONVENED

The House reconvened and was called to order by Speaker pro tempore Juhnke.

REPORTS OF CHIEF CLERK

S. F. No. 2967 and H. F. No. 3323, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Hornstein moved that S. F. No. 2967 be substituted for H. F. No. 3323 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2988 and H. F. No. 3575, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Bigham moved that the rules be so far suspended that S. F. No. 2988 be substituted for H. F. No. 3575 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 3331 and H. F. No. 3723, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Kahn moved that S. F. No. 3331 be substituted for H. F. No. 3723 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 3441 and H. F. No. 3850, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Paymar moved that the rules be so far suspended that S. F. No. 3441 be substituted for H. F. No. 3850 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 3780 and H. F. No. 3924, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Thao moved that the rules be so far suspended that S. F. No. 3780 be substituted for H. F. No. 3924 and that the House File be indefinitely postponed. The motion prevailed.

PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

April 10, 2008

The Honorable Margaret Anderson Kelliher
Speaker of the House of Representatives
The State of Minnesota

Dear Speaker Kelliher:

Please be advised that I have received, approved, signed, and deposited in the Office of the Secretary of State the following House Files:

H. F. No. 3157, relating to Big Stone County; authorizing the county board to assign certain duties to the county treasurer.

H. F. No. 3289, relating to auctioneers; exempting auctioneers from certain requirements applicable to professional fund-raisers.

H. F. No. 2898, relating to insurance; regulating claim denials under aviation liability coverage.

H. F. No. 2788, relating to the city of Nashwauk; increasing the membership of the Nashwauk Public Utilities Commission from three to five members.

H. F. No. 3240, relating to veterans; authorizing the placement of a plaque in the court of honor on the Capitol grounds by Minnesota's Mexican-American veterans to honor all Minnesota veterans who have served at any time in the United States armed forces.

H. F. No. 117, relating to courts; modifying personal jurisdiction over foreign corporations and nonresident individuals in certain matters.

H. F. No. 2602, relating to public safety; exempting police vehicles from window glazing restrictions.

H. F. No. 2932, relating to town cemeteries; specifying uses of certain cemetery funds.

H. F. No. 1499, relating to commerce; enacting the Uniform Prudent Management of Institutional Funds Act approved and recommended by the National Conference of Commissioners on Uniform State Laws.

H. F. No. 3708, relating to health; changing licensing requirements for certain health professions; changing provisions for unlicensed complementary and alternative health care practitioners; providing for county standards for transporting a dead body.

Sincerely,

TIM PAWLENTY
Governor

STATE OF MINNESOTA
OFFICE OF THE SECRETARY OF STATE
ST. PAUL 55155

The Honorable Margaret Anderson Kelliher
Speaker of the House of Representatives

The Honorable James P. Metzen
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 2008 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S. F. No.</i>	<i>H. F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Time and Date Approved 2008</i>	<i>Date Filed 2008</i>
	3157	180	3:37 p.m. April 10	April 10
	3289	181	3:39 p.m. April 10	April 10
	2898	182	3:40 p.m. April 10	April 10
	2788	183	3:40 p.m. April 10	April 10
	3240	184	3:42 p.m. April 10	April 10
	117	185	3:43 p.m. April 10	April 10
	2602	186	3:44 p.m. April 10	April 10
	2932	187	3:45 p.m. April 10	April 10
	1499	188	3:46 p.m. April 10	April 10
	3708	189	3:47 p.m. April 10	April 10

Sincerely,

MARK RITCHIE
Secretary of State

REPORTS OF STANDING COMMITTEES AND DIVISIONS

Carlson from the Committee on Finance to which was referred:

H. F. No. 615, A bill for an act relating to education; providing for responsible family life and sexuality education programs; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 121A; repealing Minnesota Statutes 2006, section 121A.23.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **[121A.231] RESPONSIBLE FAMILY LIFE AND SEXUALITY EDUCATION PROGRAMS.**

Subdivision 1. Definitions. (a) "Responsible family life and sexuality education" means education in grades 7 through 12 that:

(1) respects community values and encourages family communication;

(2) develops skills in communication, decision making, and conflict resolution;

(3) contributes to healthy relationships;

(4) provides human development and sexuality education that is age-appropriate and medically accurate;

(5) includes an abstinence-first approach to delaying initiation of sexual activity that emphasizes abstinence while also including education about contraception and disease prevention; and

(6) promotes individual responsibility.

(b) "Age-appropriate" refers to topics, messages, and teaching methods suitable to particular ages or age groups of children and adolescents, based on developing cognitive, emotional, and behavioral capacity typical for the age or age group.

(c) "Medically accurate" means verified or supported by research conducted in compliance with scientific methods and published in peer-reviewed journals, where appropriate, and recognized as accurate and objective by professional organizations and agencies in the relevant field, such as the federal Centers for Disease Control and Prevention, the American Public Health Association, the American Academy of Pediatrics, or the American College of Obstetricians and Gynecologists.

Subd. 2. **Curriculum requirements.** (a) Consistent with the curriculum review cycle under section 120B.11, or no later than the start of the 2011-2012 school year, whichever comes first, a school district must offer and may independently establish policies, procedures, curriculum, and services for providing responsible family life and sexuality education that is age-appropriate and medically accurate for grades 7 through 12.

(b) A school district must consult with parents or guardians of enrolled students when establishing policies, procedures, curriculum, and services under this subdivision.

Subd. 3. **Notice and parental options.** (a) It is the legislature's intent to encourage pupils to communicate with their parents or guardians about human sexuality and to respect rights of parents or guardians to supervise their children's education on these subjects.

(b) Parents or guardians may excuse their children from all or part of a responsible family life and sexuality education program.

(c) A school district must establish policies and procedures consistent with paragraph (e) and this section for providing parents or guardians reasonable notice with the following information:

(1) if the district is offering a responsible family life and sexuality education program to the parents' or guardians' child during the course of the year;

(2) how the parents or guardians may inspect the written and audiovisual educational materials used in the program and the process for inspection;

(3) if the program is presented by school district personnel or outside consultants, and if outside consultants are used, who they may be; and

(4) parents' or guardians' right to choose not to have the child participate in the program and the procedure for exercising that right.

(d) A school district must establish policies and procedures for reasonably restricting the availability of written and audiovisual educational materials from public view of students who have been excused from all or part of a responsible family life and sexuality education program at the request of a parent or guardian, consistent with paragraph (e) and this section.

(e) A school district may develop a policy for a parent, guardian, or adult student age 18 or older to review the content of the instructional materials under this section. If a school district develops a policy, it must make reasonable arrangements with school personnel for alternative instruction for those pupils whose parents or guardians object to the content of the instruction, and must not impose an academic or other penalty upon a pupil for arranging the alternative instruction. School personnel may evaluate and assess the quality of the pupil's work completed as part of the alternative instruction.

Subd. 4. **Assistance to school districts.** (a) The Department of Education may offer services to school districts to help them implement effective responsible family life and sexuality education programs. In making these services available, the department may provide:

(1) training for teachers, parents, and community members in the development of responsible family life and sexuality education curriculum or services and in planning for monitoring and evaluation activities;

(2) resource staff persons to provide expert training, curriculum development and implementation, and evaluation services;

(3) technical assistance to promote and coordinate community, parent, and youth forums in communities identified as having high needs for responsible family life and sexuality education; and

(4) technical assistance for issue management and policy development training for school boards, superintendents, principals, and administrators across the state.

(b) Technical assistance in accordance with National Health Education Standards provided by the department to school districts may:

(1) promote instruction and use of materials that are age-appropriate;

(2) provide information that is medically accurate and objective;

(3) provide instruction and promote use of materials that are respectful of marriage and commitments in relationships;

(4) provide instruction and promote use of materials that are appropriate for use with pupils and family experiences based on race, gender, sexual orientation, and ethnic and cultural background, and appropriately accommodate alternative learning based on language or disability;

(5) provide instruction and promote use of materials that encourage pupils to communicate with their parents or guardians about human sexuality;

(6) provide instruction and promote use of age-appropriate materials that teach abstinence from sexual intercourse as the only certain way to prevent unintended pregnancy or sexually transmitted infections, including HIV, chlamydia, and human papillomavirus (HPV), and provide information about the role and value of abstinence while also providing medically accurate information on other methods of preventing and reducing risk for unintended pregnancy and sexually transmitted infections;

(7) provide instruction and promote use of age-appropriate materials that are medically accurate in explaining transmission modes, risks, symptoms, and treatments for sexually transmitted infections, including HIV, chlamydia, and HPV;

(8) provide instruction and promote use of age-appropriate materials that address varied societal views on sexuality, sexual behaviors, pregnancy, and sexually transmitted infections, including HIV, chlamydia, and HPV, in an age-appropriate manner;

(9) provide instruction and promote use of age-appropriate materials that provide information about the effectiveness and safety of all FDA-approved methods for preventing and reducing risk for unintended pregnancy and sexually transmitted infections, including HIV, chlamydia, and HPV;

(10) provide instruction and promote use of age-appropriate materials that provide instruction in skills for making and implementing responsible decisions about sexuality;

(11) provide instruction and promote use of age-appropriate materials that provide instruction in skills for making and implementing responsible decisions about finding and using health services; and

(12) provide instruction and promote use of age-appropriate materials that do not teach or promote religious doctrine or bias against a religion or reflect or promote bias against any person on the basis of any category protected under the Minnesota Human Rights Act, chapter 363A.

Sec. 2. **[121A.232] INFORMATION ON IMMUNIZATIONS.**

(a) If, at any time during a school year, a public or private school provides information on immunizations, infectious disease, medications, or other school health issues to parents and legal guardians of pupils in grades 6, 9, or 12, the school is required to include with that information the following:

(1) information about meningococcal meningitis and the vaccine for meningococcal meningitis, including the causes and symptoms of meningococcal meningitis, how it is spread, and sources where parents and legal guardians may obtain additional information about meningococcal meningitis and may obtain vaccination of a child against meningococcal meningitis; and

(2) information about human papillomavirus and the vaccine for human papillomavirus, including the risks associated with human papillomavirus; the availability, effectiveness, and potential risks of immunization for human papillomavirus; and sources where parents and legal guardians may obtain additional information about human papillomavirus and may obtain vaccination of a child against human papillomavirus.

(b) The Department of Education, in cooperation with the Department of Health, shall develop and make available to school districts, public schools, and private schools information that meets the requirements of paragraph (a), clauses (1) and (2). The department shall do this in the manner the department deems to be the most cost-effective and programmatically effective, which shall include at the very least, posting the information on the department's Web site.

Sec. 3. **APPROPRIATION.**

\$114,000 is appropriated in fiscal year 2009 from the general fund to the commissioner of education for the purposes of this act. This program has a base appropriation of \$104,000 for fiscal years 2010 and later.

Sec. 4. **REPEALER.**

Minnesota Statutes 2006, section 121A.23, is repealed."

Delete the title and insert:

"A bill for an act relating to education; providing for responsible family life and sexuality education programs; requiring information on certain immunizations; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 121A; repealing Minnesota Statutes 2006, section 121A.23."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Ways and Means.

The report was adopted.

Carlson from the Committee on Finance to which was referred:

H. F. No. 3034, A bill for an act relating to construction professions; modifying provisions relating to the electrical, plumbing, water conditioning, boiler, and high-pressure piping professions; amending Minnesota Statutes 2006, sections 299F.011, subdivision 3; 326.244, subdivision 1; 327.32, subdivision 1; 327.33, by adding subdivisions; 327A.04, subdivision 2; 327A.07; 327B.06, subdivision 1; Minnesota Statutes 2007 Supplement, sections 16B.64, subdivision 8; 183.60, subdivision 2; 326.01, subdivisions 4b, 5; 326.2415, subdivisions 2, 6; 326.242, subdivisions 2, 3d, 5, 12, by adding subdivisions; 326.244, subdivision 5; 326.37, subdivision 1a; 326.3705, subdivision 1; 326.40, subdivisions 2, 3, by adding a subdivision; 326.47, subdivision 2; 326.48, subdivisions 1, 2, 2a, 2b, 5; 326.50; 326.505, subdivisions 1, 2, 8; 326.62; 326.84, subdivision 1; 326.841; 326.86, subdivision 1; 326.87, subdivision 5; 326.93, subdivision 4; 326.94, subdivision 2; 326.97, subdivision 1a; 326B.082, subdivisions 8, 10, 11, 12, 13; 326B.083, subdivision 3; 326B.42, by adding a subdivision; 326B.89, subdivisions 5, 6, 12, 14; 327B.04, subdivision 4; Laws 2007, chapter 140, article 4, section 12; repealing Minnesota Statutes 2006, section 16B.69; Minnesota Statutes 2007 Supplement, sections 326.2411; 326.372; 326.471; Laws 2007, chapter 9, section 1; Laws 2007, chapter 135, article 4, sections 2; 8; article 6, section 3; Laws 2007, chapter 140, article 12, section 9; Minnesota Rules, part 3800.3510.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2007 Supplement, section 16B.64, subdivision 8, is amended to read:

Subd. 8. **Effective date of rules.** A rule to adopt or amend the state's building code is effective 180 days after the filing of the rule with the secretary of state under section 14.16 or 14.26. The rule may provide for a ~~different later effective date.~~ The rule may provide for an earlier effective date if the commissioner or board proposing the rule finds that ~~a different an earlier~~ an earlier effective date is necessary to protect public health and safety after considering, among other things, the need for time for training of individuals to comply with and enforce the rule.

Sec. 2. Minnesota Statutes 2007 Supplement, section 181.723, subdivision 2, is amended to read:

Subd. 2. **Limited application.** This section only applies to individuals performing public or private sector commercial or residential building construction or improvement services, ~~as defined in section 326.83.~~ Building construction and improvement services do not include: (1) the manufacture, supply, or sale of products, materials,

or merchandise; (2) landscaping services for the maintenance or removal of existing plants, shrubs, trees, and other vegetation, whether or not the services are provided as part of a contract for the building construction or improvement services; and (3) all other landscaping services, unless the other landscaping services are provided as part of a contract for the building construction or improvement services.

Sec. 3. Minnesota Statutes 2007 Supplement, section 183.60, subdivision 2, is amended to read:

Subd. 2. **Repair violation.** ~~No~~ A person who repairs a boiler or pressure vessel by welding or riveting ~~so as not to~~ must meet the minimum requirements established by the current edition of the National Board of Boiler and Pressure Vessel Inspectors inspection code and the rules of the department.

Sec. 4. Minnesota Statutes 2006, section 299F.011, subdivision 3, is amended to read:

Subd. 3. **Rules for code administration and enforcement.** The commissioner of public safety shall adopt rules as may be necessary to administer and enforce the code, specifically including but not limited to rules for inspection of buildings and other structures covered by the code and conforming the code to the governmental organization of Minnesota state agencies, political subdivisions and local governments.

Sec. 5. Minnesota Statutes 2007 Supplement, section 326.01, subdivision 4b, is amended to read:

Subd. 4b. **Elevator contractor.** "Elevator contractor" means a licensed contractor whose responsible licensed individual is a licensed master elevator constructor. An elevator contractor license does not itself qualify its holder to perform or supervise the electrical or elevator work authorized by holding ~~any other~~ a personal license issued by the commissioner.

Sec. 6. Minnesota Statutes 2007 Supplement, section 326.01, subdivision 5, is amended to read:

Subd. 5. **Contractor.** "Contractor" means a person who performs or offers to perform any electrical work, with or without compensation, who is licensed as a contractor by the commissioner. A contractor's license does not of itself qualify its holder to perform or supervise the electrical work authorized by holding any class of electrician's or other personal ~~electrical~~ license. Contractor includes electrical contractors and technology system contractors.

Sec. 7. Minnesota Statutes 2007 Supplement, section 326.2415, subdivision 2, is amended to read:

Subd. 2. **Powers; duties; administrative support.** (a) The board shall have the power to:

(1) elect its chair, vice-chair, and secretary;

(2) adopt bylaws that specify the duties of its officers, the meeting dates of the board, and containing such other provisions as may be useful and necessary for the efficient conduct of the business of the board;

(3) adopt the Minnesota Electrical Code ~~shall, which must~~ be the most current edition of the National Electrical Code ~~upon its adoption by the board~~ and any amendments thereto ~~as adopted by the board~~. The board shall adopt the most current edition of the National Electrical Code and any amendments thereto pursuant to chapter 14 and as provided in subdivision 6, paragraphs (b) and (c);

(4) review requests for final interpretations and issue final interpretations as provided in section 16B.63, subdivision 5;

(5) adopt rules that regulate the licensure or registration of electrical businesses, electrical contractors, master electricians, journeyman electricians, Class A installer, Class B installer, power limited technicians, and other persons who perform electrical work except for those individuals licensed under section 326.02, subdivisions 2 and 3. The board shall adopt these rules pursuant to chapter 14 and as provided in subdivision 6, paragraphs (d) and (e);

(6) adopt rules that regulate continuing education for individuals licensed or registered as electrical businesses, electrical contractors, master electricians, journeyman electricians, Class A installer, Class B installer, power limited technicians, and other persons who perform electrical work. The board shall adopt these rules pursuant to chapter 14 and as provided in subdivision 6, ~~paragraph~~ paragraphs (d) and (e);

(7) advise the commissioner regarding educational requirements for electrical inspectors;

(8) refer complaints or other communications to the commissioner, whether oral or in writing, as provided in subdivision 8, that ~~alleges~~ allege or ~~implies~~ imply a violation of a statute, rule, or order that the commissioner has the authority to enforce pertaining to code compliance, licensure, registration, or an offering to perform or performance of unlicensed electrical services;

(9) approve per diem and expenses deemed necessary for its members as provided in subdivision 3;

(10) approve license reciprocity agreements;

(11) select from its members individuals to serve on any other state advisory council, board, or committee; and

(12) recommend the fees for licenses and certifications.

Except for the powers granted to the Plumbing Board, Board of Electricity, and the Board of High Pressure Piping Systems, the commissioner of labor and industry shall administer and enforce the provisions of this chapter and any rules promulgated pursuant thereto.

(b) The board shall comply with section 15.0597, subdivisions 2 and 4.

(c) The commissioner shall coordinate the board's rulemaking and recommendations with the recommendations and rulemaking conducted by all of the other boards created pursuant to chapter 326B. The commissioner shall provide staff support to the board. The support includes professional, legal, technical, and clerical staff necessary to perform rulemaking and other duties assigned to the board. The commissioner of labor and industry shall supply necessary office space and supplies to assist the board in its duties.

Sec. 8. Minnesota Statutes 2007 Supplement, section 326.2415, subdivision 6, is amended to read:

Subd. 6. **Officers, quorum, voting.** (a) The board shall elect annually from its members a chair, vice-chair, and secretary. A quorum of the board shall consist of a majority of members of the board qualified to vote on the matter in question. All questions concerning the manner in which a meeting is conducted or called that is not covered by statute shall be determined by Robert's Rules of Order (revised) unless otherwise specified by the bylaws.

(b) Each electrical code amendment considered by the board that receives an affirmative two-thirds or more majority vote of all of the voting members of the board shall be included in the next electrical code rulemaking proceeding initiated by the board. If an electrical code amendment considered, or reconsidered, by the board receives less than a two-thirds majority vote of all of the voting members of the board, the electrical code amendment shall not be included in the next electrical code rulemaking proceeding initiated by the board.

(c) The board may reconsider electrical code amendments during an active electrical code rulemaking proceeding in which the amendment previously failed to receive a two-thirds majority vote or more of all of the voting members of the board only if new or updated information that affects the electrical code amendment is presented to the board. The board may also reconsider failed electrical code amendments in subsequent electrical code rulemaking proceedings.

(d) Each proposed rule and rule amendment considered by the board pursuant to the rulemaking authority specified in subdivision 2, paragraph (a), clauses (5) and (6), that receives an affirmative majority vote of all of the voting members of the board shall be included in the next rulemaking proceeding initiated by the board. If a proposed rule or rule amendment considered, or reconsidered, by the board receives less than an affirmative majority vote of all of the voting members of the board, the proposed rule or rule amendment shall not be included in the next rulemaking proceeding initiated by the board.

(e) The board may reconsider proposed ~~rule rules~~ or rule ~~amendment amendments~~ during an active rulemaking proceeding in which the amendment previously failed to receive an affirmative majority vote of all of the voting members of the board only if new or updated information that affects the proposed rule or rule amendment is presented to the board. The board may also reconsider failed proposed ~~rule rules~~ or rule ~~amendment amendments~~ in subsequent rulemaking proceedings.

Sec. 9. Minnesota Statutes 2007 Supplement, section 326.242, subdivision 2, is amended to read:

Subd. 2. **Journeyman electrician.** (a) Except as otherwise provided by law, no individual shall perform and supervise any electrical work except for planning or laying out of electrical work unless:

(1) the individual is licensed by the commissioner as a journeyman electrician; and

(2) the electrical work is:

(i) for a contractor and the individual is an employee, partner, or officer of the licensed contractor; or

(ii) performed under the supervision of a master electrician also employed by the individual's employer on electrical wiring, apparatus, equipment, or facilities that are owned or leased by the employer and that are located within the limits of property operated, maintained, and either owned or leased by the employer.

(b) An applicant for a Class A journeyman electrician license shall have had at least four years of experience, acceptable to the commissioner, in wiring for, installing, and repairing electrical wiring, apparatus, or equipment, provided however, that ~~the commissioner may by rule allow~~ one year of experience credit for the successful completion of a two-year post high school electrical course approved by the commissioner may be allowed.

(c) As of August 1, 1985, no new Class B journeyman electrician licenses shall be issued. An individual who holds a Class B journeyman electrician license as of August 1, 1985, may retain and renew the license and exercise the privileges it grants, which include electrical work limited to single phase systems, not over 200 amperes in capacity, on farmsteads or on single-family dwellings located in towns or municipalities with fewer than 2,500 inhabitants.

Sec. 10. Minnesota Statutes 2007 Supplement, section 326.242, subdivision 3d, is amended to read:

Subd. 3d. **Power limited technician.** (a) Except as otherwise provided by law, no individual shall install, alter, repair, plan, lay out, or supervise the installing, altering, repairing, planning, or laying out of electrical wiring, apparatus, or equipment for technology circuits or systems unless:

(1) the individual is licensed by the commissioner as a power limited technician; and

(2) the electrical work is:

(i) for a licensed contractor and the individual is an employee, partner, or officer of, or is the licensed contractor;

or

(ii) performed under the direct supervision of a master electrician or power limited technician also employed by the individual's employer on technology circuits, systems, apparatus, equipment, or facilities that are owned or leased by the employer and that are located within the limits of property operated, maintained, and either owned or leased by the employer.

(b) An applicant for a power limited technician's license shall (1) be a graduate of a four-year electrical course offered by an accredited college or university; or (2) have had at least 36 months' experience, acceptable to the ~~board~~ commissioner, in planning for, laying out, supervising, installing, altering, and repairing wiring, apparatus, or equipment for power limited systems, provided however, that ~~the board may by rule provide for the allowance of up to 12 months (2,000 hours) of experience credit for successful completion of a two-year post high school electrical course or other technical training approved by the board~~ commissioner may be allowed.

(c) Licensees must attain 16 hours of continuing education acceptable to the board every renewal period.

(d) A company holding an alarm and communication license as of June 30, 2003, may designate one individual who may obtain a power limited technician license without passing an examination administered by the commissioner by submitting an application and license fee of \$30.

(e) A person who has submitted an application by December 30, 2007, to take the power limited technician examination administered by the department is not required to meet the qualifications set forth in paragraph (b).

Sec. 11. Minnesota Statutes 2007 Supplement, section 326.242, is amended by adding a subdivision to read:

Subd. 3e. **Elevator constructor.** (a) An individual licensed as an elevator constructor may install, maintain, and repair electrical wiring, apparatus, and equipment for elevators and escalators while in the employ of an elevator contractor or Class A electrical contractor.

(b) An applicant for an elevator constructor's license shall have at least 36 months' experience, acceptable to the commissioner, in wiring for, installing, and repairing electrical wiring, apparatus, or equipment for elevators and escalators, provided, however, that one year of experience credit for the completion of a two-year post-high school electrical course approved by the commissioner may be allowed.

Sec. 12. Minnesota Statutes 2007 Supplement, section 326.242, is amended by adding a subdivision to read:

Subd. 3f. **Lineman.** (a) An individual licensed as a lineman may install, maintain, and repair transmission and distribution systems that are or will be owned or leased by an electric utility.

(b) An applicant for a lineman's license shall have at least 48 months' experience, acceptable to the commissioner, in wiring for, installing, and repairing electrical wiring, apparatus, or equipment for an electrical utility.

Sec. 13. Minnesota Statutes 2007 Supplement, section 326.242, is amended by adding a subdivision to read:

Subd. 3g. **Maintenance electrician.** (a) An individual licensed as a maintenance electrician may maintain and repair electrical wiring, apparatus, and equipment while in the employ of a contractor, or as a full-time employee of a single employer while engaged in the maintenance and repair of electrical wiring, apparatus, and equipment owned or leased by the employer and located within the limits of property owned or leased by the employer.

(b) An applicant for a maintenance electrician's license shall have at least 48 months' experience, acceptable to the commissioner, in wiring for, installing, and repairing electrical wiring, apparatus, or equipment, provided, however, that one year of experience credit for the completion of a two-year post-high school electrical course approved by the commissioner may be allowed.

Sec. 14. Minnesota Statutes 2007 Supplement, section 326.242, is amended by adding a subdivision to read:

Subd. 3h. **Master elevator constructor.** (a) An individual licensed as a master elevator constructor may, while licensed as an elevator electrical contractor or while in the employ of an elevator contractor or Class A electrical contractor, plan, lay out, supervise and install, maintain, and repair wiring, apparatus, and equipment for elevators and escalators.

(b) An applicant for a master elevator constructor's license shall have at least 60 months' experience, acceptable to the commissioner, in wiring for, installing, and repairing electrical wiring, apparatus, or equipment for elevators and escalators, provided, however, that one year of experience credit for the completion of a two-year post-high school electrical course approved by the commissioner may be allowed.

Sec. 15. Minnesota Statutes 2007 Supplement, section 326.242, subdivision 5, is amended to read:

Subd. 5. **Unlicensed individuals.** (a) An unlicensed individual means an individual who has not been licensed by the department to perform specific electrical work. An unlicensed individual shall not perform electrical work required to be performed by a licensed individual unless the individual has first registered with the department as an unlicensed individual. Thereafter, an unlicensed individual shall not perform electrical work required to be performed by a licensed individual unless the work is performed under the direct supervision of an individual actually licensed to perform such work. The licensed individual and unlicensed individual must be employed by the same employer. Licensed individuals shall not permit unlicensed individuals to perform electrical work except under the direct supervision of an individual actually licensed to perform such work. Unlicensed individuals shall not supervise the performance of electrical work or make assignments of electrical work to unlicensed individuals. Except for technology ~~circuit circuits~~ or ~~system systems~~ work, licensed individuals shall supervise no more than two unlicensed individuals. For technology ~~circuit circuits~~ or ~~system systems~~ work, licensed individuals shall supervise no more than three unlicensed individuals.

(b) Notwithstanding any other provision of this section, no individual other than a master electrician or power limited technician shall plan or lay out electrical wiring, apparatus, or equipment for light, heat, power, or other purposes, except circuits or systems exempted from personal licensing by subdivision 12, paragraph (b).

(c) Contractors employing unlicensed individuals to perform electrical work shall maintain records establishing compliance with this subdivision that shall identify all unlicensed individuals performing electrical work, except for individuals working on circuits or systems exempted from personal licensing by subdivision 12, paragraph (b), and shall permit the department to examine and copy all such records.

(d) When a licensed individual supervises the electrical work of an unlicensed individual, the licensed individual is responsible for ensuring that the electrical work complies with the Minnesota Electrical Act and all rules adopted under the act.

Sec. 16. Minnesota Statutes 2007 Supplement, section 326.242, subdivision 12, is amended to read:

Subd. 12. **Exemptions from licensing.** (a) An individual who is a maintenance electrician is not required to hold or obtain a license under sections 326B.31 to 326B.399 if:

(1) the individual is engaged in the maintenance and repair of electrical equipment, apparatus, and facilities that are owned or leased by the individual's employer and that are located within the limits of property operated, maintained, and either owned or leased by the individual's employer;

(2) the individual is supervised by:

(i) the responsible master electrician for a contractor who has contracted with the individual's employer to provide services for which a contractor's license is required; or

(ii) a licensed master electrician, a licensed maintenance electrician, an electrical engineer, or, if the maintenance and repair work is limited to technology ~~circuit and system~~ circuits or systems work, a licensed power limited technician; and

(3) the individual's employer has filed with the commissioner a certificate of responsible person, signed by the responsible master electrician of the contractor, the licensed master electrician, the licensed maintenance electrician, the electrical engineer, or the licensed power limited technician, and stating that the person signing the certificate is responsible for ensuring that the maintenance and repair work performed by the employer's employees complies with the Minnesota Electrical Act and the rules adopted under that act.

(b) Employees of a licensed electrical or technology systems contractor or other employer where provided with supervision by a master electrician in accordance with subdivision 1, or power limited technician in accordance with subdivision 3d, paragraph (a), clause (1), are not required to hold a license under sections 326B.31 to 326B.399 for the planning, laying out, installing, altering, and repairing of technology circuits or systems except planning, laying out, or installing:

(1) in other than residential dwellings, class 2 or class 3 remote control circuits that control circuits or systems other than class 2 or class 3, except circuits that interconnect these systems through communication, alarm, and security systems are exempted from this paragraph;

(2) class 2 or class 3 circuits in electrical cabinets, enclosures, or devices containing physically unprotected circuits other than class 2 or class 3; or

(3) technology circuits ~~and~~ or systems in hazardous classified locations as covered by chapter 5 of the National Electrical Code.

(c) Companies and their employees that plan, lay out, install, alter, or repair class 2 and class 3 remote control wiring associated with plug or cord and plug connected appliances other than security or fire alarm systems installed in a residential dwelling are not required to hold a license under sections 326B.31 to 326B.399.

(d) Heating, ventilating, air conditioning, and refrigeration contractors and their employees are not required to hold or obtain a license under sections 326B.31 to 326B.399 when performing heating, ventilating, air conditioning, or refrigeration work as described in section 326.245.

(e) Employees of any electrical, communications, or railway utility, cable communications company as defined in section 238.02, or a telephone company as defined under section 237.01 or its employees, or of any independent contractor performing work on behalf of any such utility, cable communications company, or telephone company, shall not be required to hold a license under sections 326B.31 to 326B.399:

(1) while performing work on installations, materials, or equipment which are owned or leased, and operated and maintained by such utility, cable communications company, or telephone company in the exercise of its utility, antenna, or telephone function, and which

(i) are used exclusively for the generation, transformation, distribution, transmission, or metering of electric current, or the operation of railway signals, or the transmission of intelligence and do not have as a principal function the consumption or use of electric current or provided service by or for the benefit of any person other than such utility, cable communications company, or telephone company, and

(ii) are generally accessible only to employees of such utility, cable communications company, or telephone company or persons acting under its control or direction, and

(iii) are not on the load side of the service point or point of entrance for communication systems;

(2) while performing work on installations, materials, or equipment which are a part of the street lighting operations of such utility; or

(3) while installing or performing work on outdoor area lights which are directly connected to a utility's distribution system and located upon the utility's distribution poles, and which are generally accessible only to employees of such utility or persons acting under its control or direction.

(f) An owner shall not be required to hold or obtain a license under sections 326B.31 to 326B.399.

Sec. 17. Minnesota Statutes 2006, section 326.244, subdivision 1, is amended to read:

Subdivision 1. **Required inspection.** Except where any political subdivision has by ordinance provided for electrical inspection similar to that herein provided, every new electrical installation in any construction, remodeling, replacement, or repair, except minor repair work as the same is defined by the board by rule, shall be inspected by the ~~board~~ commissioner for compliance with accepted standards of construction for safety to life and property.

Sec. 18. Minnesota Statutes 2007 Supplement, section 326.244, subdivision 5, is amended to read:

Subd. 5. **Exemptions from inspections.** Installations, materials, or equipment shall not be subject to inspection under sections 326B.31 to 326B.399:

(1) when owned or leased, operated and maintained by any employer whose maintenance electricians are exempt from licensing under sections 326B.31 to 326B.399, while performing electrical maintenance work only as defined by ~~board~~ rule;

(2) when owned or leased, and operated and maintained by any electrical, communications, or railway utility, cable communications company as defined in section 238.02, or telephone company as defined under section 237.01, in the exercise of its utility, antenna, or telephone function; and

(i) are used exclusively for the generations, transformation, distribution, transmission, or metering of electric current, or the operation of railway signals, or the transmission of intelligence, and do not have as a principal function the consumption or use of electric current by or for the benefit of any person other than such utility, cable communications company, or telephone company; and

(ii) are generally accessible only to employees of such utility, cable communications company, or telephone company or persons acting under its control or direction; and

(iii) are not on the load side of the service point or point of entrance for communication systems;

(3) when used in the street lighting operations of an electrical utility;

(4) when used as outdoor area lights which are owned and operated by an electrical utility and which are connected directly to its distribution system and located upon the utility's distribution poles, and which are generally accessible only to employees of such utility or persons acting under its control or direction;

(5) when the installation, material, and equipment are in facilities subject to the jurisdiction of the federal Mine Safety and Health Act; or

(6) when the installation, material, and equipment is part of an elevator installation for which the elevator contractor, licensed under section 326.242, is required to obtain a permit from the authority having jurisdiction as provided by section 16B.747, and the inspection has been or will be performed by an elevator inspector certified and licensed by the department. This exemption shall apply only to installations, material, and equipment permitted or required to be connected on the load side of the disconnecting means required for elevator equipment under National Electrical Code Article 620, and elevator communications and alarm systems within the machine room, car, hoistway, or elevator lobby.

Sec. 19. Minnesota Statutes 2007 Supplement, section 326.37, subdivision 1a, is amended to read:

Subd. 1a. **Agreements with municipalities.** The commissioner may enter into an agreement with a municipality, in which the municipality agrees to perform plan and specification reviews required to be performed by the commissioner under Minnesota Rules, part 4715.3130, if:

(a) the municipality has adopted:

(1) the plumbing code;

(2) an ordinance that requires plumbing plans and specifications to be submitted to, reviewed, and approved by the municipality, except as provided in paragraph ~~(h)~~ (n);

(3) an ordinance that authorizes the municipality to perform inspections required by the plumbing code; and

(4) an ordinance that authorizes the municipality to enforce the plumbing code in its entirety, except as provided in paragraph (p);

(b) the municipality agrees to review plumbing plans and specifications for all construction for which the plumbing code requires the review of plumbing plans and specifications, except as provided in paragraph (n);

(c) the municipality agrees that, when it reviews plumbing plans and specifications under paragraph (b), the review will:

(1) reflect the degree to which the plans and specifications affect the public health and conform to the provisions of the plumbing code;

(2) ensure that there is no physical connection between water supply systems that are safe for domestic use and those that are unsafe for domestic use; and

(3) ensure that there is no apparatus through which unsafe water may be discharged or drawn into a safe water supply system;

(d) the municipality agrees to perform all inspections required by the plumbing code in connection with projects for which the municipality reviews plumbing plans and specifications under paragraph (b);

(e) the commissioner determines that the individuals who will conduct the inspections and the plumbing plan and specification reviews for the municipality do not have any conflict of interest in conducting the inspections and the plan and specification reviews;

(f) individuals who will conduct the plumbing plan and specification reviews for the municipality are:

(1) licensed master plumbers;

(2) licensed professional engineers; or

(3) individuals who are working under the supervision of a licensed professional engineer or licensed master plumber and who are licensed master or journeyman plumbers or hold a postsecondary degree in engineering;

(g) individuals who will conduct the plumbing plan and specification reviews for the municipality have passed a competency assessment required by the commissioner to assess the individual's competency at reviewing plumbing plans and specifications;

(h) individuals who will conduct the plumbing inspections for the municipality are licensed master or journeyman plumbers, or inspectors meeting the competency requirements established in rules adopted under section 16B.655;

(i) the municipality agrees to enforce in its entirety the plumbing code on all projects, except as provided in paragraph (p);

(j) the municipality agrees to keep official records of all documents received, including plans, specifications, surveys, and plot plans, and of all plan reviews, permits and certificates issued, reports of inspections, and notices issued in connection with plumbing inspections and the review of plumbing plans and specifications;

(k) the municipality agrees to maintain the records described in paragraph (j) in the official records of the municipality for the period required for the retention of public records under section 138.17, and shall make these records readily available for review at the request of the commissioner;

(l) the municipality and the commissioner agree that if at any time during the agreement the municipality does not have in effect the plumbing code or any of ordinances described in ~~item paragraph~~ (a), or if the commissioner determines that the municipality is not properly administering and enforcing the plumbing code or is otherwise not complying with the agreement:

(1) the commissioner may, effective 14 days after the municipality's receipt of written notice, terminate the agreement;

(2) the municipality may challenge the termination in a contested case before the commissioner pursuant to the Administrative Procedure Act; and

(3) while any challenge is pending under ~~item~~ clause (2), the commissioner shall perform plan and specification reviews within the municipality under Minnesota Rules, part 4715.3130;

(m) the municipality and the commissioner agree that the municipality may terminate the agreement with or without cause on 90 days' written notice to the commissioner;

(n) the municipality and the commissioner agree that the municipality shall forward to the state for review all plumbing plans and specifications for the following types of projects within the municipality:

(1) hospitals, nursing homes, supervised living facilities, and similar health-care-related facilities regulated by the Minnesota Department of Health;

(2) buildings owned by the federal or state government; and

(3) projects of a special nature for which department review is requested by either the municipality or the state;

(o) where the municipality forwards to the state for review plumbing plans and specifications, as provided in paragraph (n), the municipality shall not collect any fee for plan review, and the commissioner shall collect all applicable fees for plan review; and

(p) no municipality shall revoke, suspend, or place restrictions on any plumbing license issued by the state.

Sec. 20. Minnesota Statutes 2007 Supplement, section 326.3705, subdivision 1, is amended to read:

Subdivision 1. **Composition.** (a) The Plumbing Board shall consist of 14 members. Twelve members shall be appointed by the governor with the advice and consent of the senate and shall be voting members. Appointments of members by the governor shall be made in accordance with section 15.066. If the senate votes to refuse to consent to an appointment of a member made by the governor, the governor shall appoint a new member with the advice and consent of the senate. One member shall be the commissioner of labor and industry or the commissioner of labor and industry's designee, who shall be a voting member. One member shall be the commissioner of health or the commissioner of health's designee, who shall not be a voting member. Of the 12 appointed members, the composition shall be as follows:

(1) two members shall be municipal plumbing inspectors, one from the metropolitan area and one from greater Minnesota;

(2) one member shall be a licensed professional engineer specializing in plumbing designs or systems;

(3) two members shall be commercial/industrial plumbing contractors, one from the metropolitan area and one from greater Minnesota;

(4) one member shall be a residential plumbing contractor;

(5) two members shall be commercial/industrial journeymen, one from the metropolitan area and one from greater Minnesota;

(6) one member shall be a residential plumbing journeyman;

- (7) one member shall be a water conditioning contractor;
- (8) one member shall be a municipal public water supply system operator or superintendent; and
- (9) one member shall be a public member as defined by section 214.02.

One of the municipal plumbing inspectors shall be appointed for an initial term to end on December 31, 2010. The other municipal plumbing inspector shall be appointed for an initial term to end on December 31, 2011. The professional engineer shall be appointed for an initial term to end on December 31, 2011. One of the commercial/industrial plumbing contractors shall be appointed for an initial term to end on December 31, 2010. The other commercial/industrial plumbing contractor shall be appointed for an initial term to end on December 31, 2011. The residential plumbing contractor shall be appointed for an initial term to end on December 31, 2010. One of the commercial/industrial plumbing journeymen shall be appointed for an initial term to end on December 31, 2011. The other commercial/industrial plumbing journeyman shall be appointed for an initial term to end on December 31, 2010. The residential plumbing journeyman shall be appointed for an initial term to end on December 31, 2011. The water conditioning contractor shall be appointed for an initial term to end on December 31, 2011. The municipal public water supply system operator or superintendent shall be appointed for an initial term to end on December 31, 2010. The public member shall be appointed for a term to end December 31, 2010.

(b) The licensed professional engineer must possess a current Minnesota professional engineering license and maintain the license for the duration of their term. All other appointed members, except for the water conditioning contractor, the public member, and the municipal public water supply system operator or superintendent, must possess a current plumbing license issued by the Department of Labor and Industry and maintain that license for the duration of their term. The water conditioning contractor must be licensed as a water conditioning contractor by the Department of Labor and Industry and maintain the license for the duration of the term on the board. All appointed members must be residents of Minnesota at the time of and throughout the member's appointment. The term of any appointed member that does not maintain membership qualification status shall end on the date of the status change and the governor shall appoint a new member. It is the responsibility of the member to notify the board of the member's status change.

(c) For appointed members, except the initial terms designated in paragraph (a), each term shall be three years with the terms ending on December 31. Members appointed by the governor shall be limited to three consecutive terms. The governor shall, all or in part, reappoint the current members or appoint replacement members with the advice and consent of the senate. Midterm vacancies shall be filled for the remaining portion of the term. Vacancies occurring with less than six months time remaining in the term shall be filled for the existing term and the following three-year term. Members may serve until their successors are appointed but in no case later than July 1 in a year in which the term expires unless reappointed.

Sec. 21. Minnesota Statutes 2007 Supplement, section 326.40, subdivision 2, is amended to read:

Subd. 2. **Bond; insurance.** Any person contracting to do plumbing work must give bond to the state in the amount of \$25,000 for all work entered into within the state. The bond shall be for the benefit of persons injured or suffering financial loss by reason of failure to comply with the requirements of the State Plumbing Code. The bond shall be filed with the commissioner and shall be written by a corporate surety licensed to do business in the state.

In addition, each applicant for a master plumber license or restricted master plumber license, or renewal thereof, shall provide evidence of public liability insurance, including products liability insurance with limits of at least \$50,000 per person and \$100,000 per occurrence and property damage insurance with limits of at least \$10,000. The insurance shall be written by an insurer licensed to do business in the state of Minnesota and each licensed master plumber shall maintain on file with the commissioner a certificate evidencing the insurance providing that the insurance shall not be canceled without the insurer first giving 15 days written notice to the commissioner. The term of the insurance shall be concurrent with the term of the license.

Sec. 22. Minnesota Statutes 2007 Supplement, section 326.40, subdivision 3, is amended to read:

Subd. 3. **Bond and insurance exemption.** If a master plumber or restricted master plumber who is in compliance with the bond and insurance requirements of subdivision 2, employs ~~another master~~ a licensed plumber, the employee ~~master~~ plumber shall not be required to meet the bond and insurance requirements of subdivision 2. ~~A master plumber~~ An individual who is an employee working on the maintenance and repair of plumbing equipment, apparatus, or facilities owned or leased by ~~their~~ the individual's employer and which is within the limits of property owned or leased, and operated or maintained by ~~their~~ the individual's employer, shall not be required to meet the bond and insurance requirements of subdivision 2.

Sec. 23. Minnesota Statutes 2007 Supplement, section 326.40, is amended by adding a subdivision to read:

Subd. 6. **Exterior connections.** Persons licensed as manufactured home installers under chapter 327B are not required to be licensed under sections 326B.42 to 326B.49 when connecting the exterior building drain sewer outlets to the above ground building sewer system and when connecting the exterior water line to the above ground water system to the manufactured home as described in National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, title 42, section 5401 et seq. No additional licensure, bond, or insurance related to the scope of work permitted under this subdivision may be required of a licensed manufactured home installer by any unit of government.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 24. Minnesota Statutes 2007 Supplement, section 326.47, subdivision 2, is amended to read:

Subd. 2. **Permissive municipal regulation.** The commissioner may enter into an agreement with a municipality, in which the municipality agrees to perform inspections and issue permits for the construction and installation of high pressure piping systems within the municipality's geographical area of jurisdiction, if:

(a) The municipality has adopted:

(1) the code for power piping systems, Minnesota Rules, parts 5230.0250 to 5230.6200;

(2) an ordinance that authorizes the municipality to issue permits to persons holding a high pressure piping business license issued by the department and only for construction or installation that would, if performed properly, fully comply with all Minnesota Statutes and Minnesota Rules;

(3) an ordinance that authorizes the municipality to perform the inspections that are required under Minnesota Statutes or Minnesota Rules ~~of~~ governing the construction and installation of high pressure piping systems; and

(4) an ordinance that authorizes the municipality to enforce the code for power piping systems in its entirety.

(b) The municipality agrees to issue permits only to persons holding a high pressure piping business license as required by law at the time of the permit issuance, and only for construction or installation that would, if performed properly, comply with all Minnesota Statutes and Minnesota Rules governing the construction or installation of high pressure piping systems.

(c) The municipality agrees to issue permits only on forms approved by the department.

(d) The municipality agrees that, for each permit issued by the municipality, the municipality shall perform one or more inspections of the construction or installation to determine whether the construction or installation complies with all Minnesota Statutes and Minnesota Rules governing the construction or installation of high pressure piping systems, and shall prepare a written report of each inspection.

(e) The municipality agrees to notify the commissioner within 24 hours after the municipality discovers any violation of the licensing laws related to high pressure piping.

(f) The municipality agrees to notify the commissioner immediately if the municipality discovers that any entity has failed to meet a deadline set by the municipality for correction of a violation of the high pressure piping laws.

(g) The commissioner determines that the individuals who will conduct the inspections for the municipality do not have any conflict of interest in conducting the inspections.

(h) Individuals who will conduct the inspections for the municipality are permanent employees of the municipality and are licensed contracting high pressure pipefitters or licensed journeyman high pressure pipefitters.

(i) The municipality agrees to notify the commissioner within ten days of any changes in the names or qualifications of the individuals who conduct the inspections for the municipality.

(j) The municipality agrees to enforce in its entirety the code for power piping systems on all projects.

(k) The municipality shall not approve any piping installation unless the installation conforms to all applicable provisions of the high pressure piping laws in effect at the time of the installation.

(l) The municipality agrees to promptly require compliance or revoke a permit that it has issued if there is noncompliance with any of the applicable provisions of the high pressure piping laws in connection with the work covered by the permit. The municipality agrees to revoke the permit if any laws regulating the licensing of pipefitters have been violated.

(m) The municipality agrees to keep official records of all documents received, including permit applications, and of all permits issued, reports of inspections, and notices issued in connection with inspections.

(n) The municipality agrees to maintain the records described in paragraph (m) in the official records of the municipality for the period required for the retention of public records under section 138.17, and shall make these records readily available for review according to section 13.37.

(o) Not later than the tenth day of each month, the municipality shall submit to the commissioner a report of all high pressure piping permits issued by the municipality during the preceding month. This report shall be in a format approved by the commissioner and shall include:

- (1) the name of the contractor;
- (2) the license number of the contractor's license issued by the commissioner;
- (3) the permit number;
- (4) the address of the job;
- (5) the date the permit was issued;

(6) a brief description of the work; and

(7) the amount of the inspection fee.

(p) Not later than the 31st day of January of each year, the municipality shall submit a summary report to the commissioner identifying the status of each high pressure piping project for which the municipality issued a permit during the preceding year, and the status of high pressure piping projects for which the municipality issued a permit during a prior year where no final inspection had occurred by the first day of the preceding year. This summary report shall include:

(1) the permit number;

(2) the date of any final inspection; and

(3) identification of any violation of high pressure piping laws related to work covered by the permit.

(q) The municipality and the commissioner agree that if at any time during the agreement the municipality does not have in effect the code for high pressure piping systems or any of the ordinances described in paragraph (a), or if the commissioner determines that the municipality is not properly administering and enforcing the code for high pressure piping or is otherwise not complying with the agreement:

(1) the commissioner may, effective 14 days after the municipality's receipt of written notice, terminate the agreement and have the administration and enforcement of the high pressure piping code in the involved municipality undertaken by the department;

(2) the municipality may challenge the termination in a contested case before the commissioner pursuant to the Administrative Procedure Act; and

(3) while any challenge under clause (2) is pending, the commissioner may exercise oversight of the municipality to the extent needed to ensure that high pressure piping inspections are performed and permits are issued in accordance with the high pressure piping laws.

(r) The municipality and the commissioner agree that the municipality may terminate the agreement with or without cause on 90 days' written notice to the commissioner.

(s) The municipality and the commissioner agree that no municipality shall revoke, suspend, or place restrictions on any high pressure piping license issued by the commissioner. If the municipality identifies during an inspection any violation that may warrant revocation, suspension, or placement of restrictions on a high pressure piping license issued by the commissioner, the municipality shall promptly notify the commissioner of the violation and the commissioner shall determine whether revocation, suspension, or placement of restrictions on any high pressure piping license issued by the commissioner is appropriate.

Sec. 25. Minnesota Statutes 2007 Supplement, section 326.48, subdivision 1, is amended to read:

Subdivision 1. **License required; rules; time credit.** No individual shall engage in or work at the business of a contracting high pressure pipefitter unless issued ~~an individual~~ a contracting high pressure pipefitter license to do so by the department under rules adopted by the board. No license shall be required for repairs on existing installations. No individual shall engage in or work at the business of journeyman high pressure pipefitter unless issued ~~an individual~~ a journeyman high pressure pipefitter competency license to do so by the department under rules adopted by the board. ~~A person~~ An individual possessing ~~an individual~~ a contracting high pressure pipefitter competency license may also work as a journeyman high pressure pipefitter.

No person shall construct or install high pressure piping, nor install high pressure piping in connection with the dealing in and selling of high pressure pipe material and supplies, unless, at all times, an individual possessing a contracting high pressure pipefitter ~~individual~~ competency license or a journeyman high pressure pipefitter ~~individual~~ competency license is responsible for ensuring that the high pressure pipefitting work is in conformity with Minnesota Statutes and Minnesota Rules.

The board shall prescribe rules, not inconsistent herewith, for the examination and ~~individual~~ competency licensing of contracting high pressure pipefitters and journeyman high pressure pipefitters and for issuance of permits by the department and municipalities for the installation of high pressure piping.

An employee performing the duties of inspector for the department in regulating pipefitting shall not receive time credit for the inspection duties when making an application for a license required by this section.

Sec. 26. Minnesota Statutes 2007 Supplement, section 326.48, subdivision 2, is amended to read:

Subd. 2. **High pressure pipefitting business license.** Before obtaining a permit for high pressure piping work, a person must obtain or utilize a business with a high pressure piping business license.

A person must have at all times as a full-time employee at least one individual holding ~~an individual~~ a contracting high pressure pipefitter competency license. Only full-time employees who hold ~~individual~~ contracting high pressure pipefitter licenses are authorized to obtain high pressure piping permits in the name of the business. The ~~individual~~ contracting high pressure pipefitter competency license holder can be the employee of only one high pressure piping business at a time.

To retain its business license without reapplication, a person holding a high pressure piping business license that ceases to employ an individual holding ~~an individual~~ a contracting high pressure pipefitter competency license shall have 60 days from the last day of employment of its previous ~~individual~~ contracting pipefitter competency license holder to employ another license holder. The department must be notified no later than five days after the last day of employment of the previous license holder.

No high pressure pipefitting work may be performed during any period when the high pressure pipefitting business does not have ~~an individual~~ a contracting high pressure pipefitter competency license holder on staff. If a license holder is not employed within 60 days after the last day of employment of the previous license holder, the pipefitting business license shall lapse.

The board shall prescribe by rule procedures for application for and issuance of business licenses.

Sec. 27. Minnesota Statutes 2007 Supplement, section 326.48, subdivision 2a, is amended to read:

Subd. 2a. **Registration requirement.** All unlicensed individuals, other than pipefitter apprentices, must be registered under subdivision 2b. No licensed high pressure piping business shall employ an unlicensed individual to assist in the practical construction and installation of high pressure piping and appurtenances unless the unlicensed individual is registered with the department. A pipefitter apprentice or registered unlicensed individual employed by a high pressure piping business may assist in the practical construction and installation of high pressure piping and appurtenances only while under direct supervision of a licensed ~~individual~~ contracting high pressure pipefitter or licensed journeyman high pressure pipefitter employed by the same high pressure piping business. The licensed ~~individual~~ contracting high pressure pipefitter or licensed journeyman high pressure pipefitter shall supervise no more than two pipefitter apprentices or registered unlicensed individuals. The licensed ~~individual~~ contracting high pressure pipefitter or journeyman high pressure pipefitter is responsible for ensuring that all high pressure piping work performed by the pipefitter apprentice or registered unlicensed individual complies with Minnesota Statutes and Minnesota Rules.

The board shall make recommendations by October 1, 2008, to the chairs of the standing committees of the senate and house of representatives having jurisdiction over high pressure piping regulation on the ratio of licensed ~~individual~~ contracting high pressure pipefitters or licensed journeyman high pressure pipefitters to pipefitter apprentices or registered unlicensed individuals for purposes of supervision.

Sec. 28. Minnesota Statutes 2007 Supplement, section 326.48, subdivision 2b, is amended to read:

Subd. 2b. **Registration with commissioner.** An unlicensed individual may register to assist in the practical construction and installation of high pressure piping and appurtenances while in the employ of a licensed high pressure piping business by completing and submitting to the commissioner a registration form provided by the commissioner. The board of ~~High Pressure Piping Systems~~ may prescribe rules, not inconsistent with this section, for the registration of unlicensed individuals.

An unlicensed individual applying for initial registration shall pay the department an application fee of \$50. Applications for initial registration may be submitted at any time. Registration must be renewed annually and shall be valid for one calendar year beginning January 1. Applications for renewal registration must be submitted to the commissioner before December 31 of each registration period on forms provided by the commissioner, and must be accompanied by a fee of \$50. There shall be no refund of fees paid.

Sec. 29. Minnesota Statutes 2007 Supplement, section 326.48, subdivision 5, is amended to read:

Subd. 5. **License fee.** The department shall charge the following license fees:

- (a) application for journeyman high pressure ~~piping~~ pipefitter competency license, \$120;
- (b) renewal of journeyman high pressure ~~piping~~ pipefitter competency license, \$80;
- (c) application for contracting high pressure ~~piping~~ pipefitter competency license, \$270;
- (d) renewal of contracting high pressure ~~piping~~ pipefitter competency license, \$240;
- (e) application for high pressure piping business license, \$450;
- (f) application to inactivate a contracting high pressure ~~piping~~ pipefitter competency license or inactivate a journeyman high pressure ~~piping~~ pipefitter competency license, \$40; and
- (g) renewal of an inactive contracting high pressure ~~piping~~ pipefitter competency license or inactive journeyman high pressure ~~piping~~ pipefitter competency license, \$40.

If an application for renewal of an active or inactive journeyman high pressure ~~piping~~ pipefitter competency license or active or inactive contracting high pressure ~~piping pipefitter~~ competency license is received by the department after the date of expiration of the license, a \$30 late renewal fee shall be added to the license renewal fee.

Payment must accompany the application for a license or renewal of a license. There shall be no refund of fees paid.

Sec. 30. Minnesota Statutes 2007 Supplement, section 326.50, is amended to read:

326.50 LICENSE APPLICATION AND RENEWAL.

Application for ~~an individual~~ a contracting high pressure pipefitter competency or ~~an individual~~ a journeyman high pressure pipefitter competency license shall be made to the department, with fees. The applicant shall be licensed only after passing an examination developed and administered by the department in accordance with rules adopted by the board. A competency license issued by the department shall expire on December 31 of each year. A renewal application must be received by the department within one year after expiration of the competency license. A license that has been expired for more than one year cannot be renewed, and can only be reissued if the applicant submits a new application for the competency license, pays a new application fee, and retakes and passes the applicable license examination.

Sec. 31. Minnesota Statutes 2007 Supplement, section 326.505, subdivision 1, is amended to read:

Subdivision 1. **Composition.** (a) The Board of High Pressure Piping Systems shall consist of 13 members. Twelve members shall be appointed by the governor with the advice and consent of the senate and shall be voting members. Appointments of members by the governor shall be made in accordance with section 15.066. If the senate votes to refuse to consent to an appointment of a member made by the governor, the governor shall appoint a new member with the advice and consent of the senate. One member shall be the commissioner of labor and industry or the commissioner of labor and industry's designee, who shall be a voting member. Of the 12 appointed members, the composition shall be as follows:

- (1) one member shall be a high pressure piping inspector;
- (2) one member shall be a licensed mechanical engineer;
- (3) one member shall be a representative of the high pressure piping industry;
- (4) four members shall be contracting high pressure piping contractors pipefitters engaged in the scope business of high pressure piping, two from the metropolitan area and two from greater Minnesota;
- (5) two members shall be journeyman high pressure piping journeymen pipefitters engaged in the scope business of high pressure piping systems installation, one from the metropolitan area and one from greater Minnesota;
- (6) one member shall be a representative of industrial companies that use high pressure piping systems in their industrial process;
- (7) one member shall be a representative from utility companies in Minnesota; and
- (8) one member shall be a public member as defined by section 214.02.

The high pressure piping inspector shall be appointed for a term to end December 31, 2011. The professional mechanical engineer shall be appointed for a term to end December 31, 2010. The representative of the high pressure piping industry shall be appointed for a term to end December 31, 2011. Two of the contracting high pressure piping contractors pipefitters shall be appointed for a term to end December 31, 2011. The other two contracting high pressure piping contractors pipefitters shall be appointed for a term to end December 31, 2010. One of the journeyman high pressure piping journeymen pipefitters shall be appointed for a term to end December 31, 2011. The other journeyman high pressure piping journeymen pipefitter shall be appointed for a term to end December 31, 2010. The one representative of industrial companies that use high pressure piping systems in their industrial process shall be appointed for a term to end December 31, 2010. The one representative of a utility company in Minnesota shall be appointed for a term to end December 31, 2010. The public member shall be appointed for a term to end December 31, 2010.

(b) The licensed professional mechanical engineer must possess a current Minnesota professional engineering license and maintain the license for the duration of their term. All other appointed members, except for the representative of the piping industry, the representative of industrial companies that use high pressure piping systems, the public member, and the representative of public utility companies in Minnesota, must possess a current high pressure piping license issued by the Department of Labor and Industry and maintain that license for the duration of their term. All appointed members must be residents of Minnesota at the time of and throughout the member's appointment. The term of any appointed member that does not maintain membership qualification status shall end on the date of status change and the governor shall appoint a new member. It is the responsibility of the member to notify the board of the member's status change.

(c) For appointed members, except the initial terms designated in paragraph (a), each term shall be three years with the terms ending on December 31. Members appointed by the governor shall be limited to three consecutive terms. The governor shall, all or in part, reappoint the current members or appoint replacement members with the advice and consent of the senate. Midterm vacancies shall be filled for the remaining portion of the term. Vacancies occurring with less than six months time remaining in the term shall be filled for the existing term and the following three-year term. Members may serve until their successors are appointed but in no case later than July 1 in a year in which the term expires unless reappointed.

Sec. 32. Minnesota Statutes 2007 Supplement, section 326.505, subdivision 2, is amended to read:

Subd. 2. **Powers; duties; administrative support.** (a) The board shall have the power to:

- (1) elect its chair, vice-chair, and secretary;
- (2) adopt bylaws that specify the duties of its officers, the meeting dates of the board, and containing such other provisions as may be useful and necessary for the efficient conduct of the business of the board;
- (3) adopt the high pressure piping code that must be followed in this state and any high pressure piping code amendments thereto. The board shall adopt the high pressure piping code and any amendments thereto pursuant to chapter 14, and as provided in subdivision 6, paragraphs (b), (c), and (d);
- (4) review requests for final interpretations and issue final interpretations as provided in section 16B.63, subdivision 5;
- (5) except for rules regulating continuing education, adopt rules that regulate the licensure or registration of high pressure piping contractors, journeymen, and other persons engaged in the design, installation, and alteration of high pressure piping systems, except for those individuals licensed under section 326.02, subdivisions 2 and 3. The board shall adopt these rules pursuant to chapter 14 and as provided in subdivision 6, paragraphs (e) and (f);
- (6) advise the commissioner regarding educational requirements for high pressure piping inspectors;
- (7) refer complaints or other communications to the commissioner, whether oral or written, as provided in subdivision 7 8 that ~~alleges~~ allege or ~~implies~~ imply a violation of a statute, rule, or order that the commissioner has the authority to enforce pertaining to code compliance, licensure, or an offering to perform or performance of unlicensed high pressure piping services;
- (8) approve per diem and expenses deemed necessary for its members as provided in subdivision 3;
- (9) select from its members individuals to serve on any other state advisory council, board, or committee;
- (10) recommend the fees for licenses and ~~certifications~~ registrations; and
- (11) approve license reciprocity agreements.

Except for the powers granted to the Plumbing Board, Board of Electricity, and the Board of High Pressure Piping Systems, the commissioner of labor and industry shall administer and enforce the provisions of this chapter and any rules promulgated pursuant thereto.

(b) The board shall comply with section 15.0597, subdivisions 2 and 4.

(c) The commissioner shall coordinate the board's rulemaking and recommendations with the recommendations and rulemaking conducted by the other boards created pursuant to chapter 326B. The commissioner shall provide staff support to the board. The support includes professional, legal, technical, and clerical staff necessary to perform rulemaking and other duties assigned to the board. The commissioner of labor and industry shall supply necessary office space and supplies to assist the board in its duties.

Sec. 33. Minnesota Statutes 2007 Supplement, section 326.505, subdivision 8, is amended to read:

Subd. 8. **Complaints.** (a) The board shall promptly forward to the commissioner the substance of any complaint or communication it receives, whether written or oral, that alleges or implies a violation of a statute, rule, or order that the commissioner has the authority to enforce pertaining to the license or registration of any person authorized by the department to provide high pressure piping services, the performance or offering to perform high pressure piping services requiring licensure by an unlicensed person, or high pressure piping code compliance. Each complaint or communication that is forwarded to the commissioner shall be submitted on a form provided by the commissioner.

(b) The commissioner shall advise the board of the status of the complaint within 90 days after the board's written submission is received, or within 90 days after the board is provided with a written request for additional information or documentation from the commissioner or the commissioner's designee, whichever is later. The commissioner shall advise the board of the disposition of a complaint referred by the board within 180 days after the board's written submission is received. The commissioner shall annually report to the board a summary of the actions taken in response to complaints referred by the board.

Sec. 34. Minnesota Statutes 2007 Supplement, section 326.62, is amended to read:

326.62 FEES.

~~Unless examination fees have been set by a contract under section 326B.05,~~ Examination fees for both water conditioning contractors and water conditioning installers shall be \$50 for each examination. Each water conditioning contractor and installer license shall expire on December 31 of the year for which it was issued. The license fee for each initial water conditioning contractor's license shall be \$70, except that the license fee shall be \$35 if the application is submitted during the last three months of the calendar year. The license fee for each renewal water conditioning contractor's license shall be \$70. The license fee for each initial water conditioning installer license shall be \$35, except that the license fee shall be \$17.50 if the application is submitted during the last three months of the calendar year. The license fee for each renewal water conditioning installer license shall be \$35. The commissioner may by rule prescribe for the expiration and renewal of licenses. Any licensee who does not renew a license within two years after the license expires is no longer eligible for renewal. Such an individual must retake and pass the examination before a new license will be issued. A water conditioning contractor or water conditioning installer who submits a license renewal application after the time specified in rule but within two years after the license expired must pay all past due renewal fees plus a late fee of \$25.

Sec. 35. Minnesota Statutes 2007 Supplement, section 326.84, subdivision 1, is amended to read:

Subdivision 1. **Persons required to be licensed.** A person who meets the definition of a residential building contractor as defined in section 326.83, subdivision 15, must be licensed as a residential building contractor by the commissioner. A person who meets the definition of a residential remodeler as defined in section 326.83, subdivision 16, must be licensed by the commissioner as a residential remodeler or residential building contractor. A person who meets the definition of a residential roofer as defined in section 326.83, subdivision 18, must be licensed by the commissioner as a residential roofer, residential building contractor, or residential remodeler. A person who meets the definition of a manufactured home installer as defined in section 327.31, subdivision 6.11, must be licensed as a manufactured home installer by the commissioner.

Sec. 36. Minnesota Statutes 2007 Supplement, section 326.841, is amended to read:

326.841 MANUFACTURED HOME INSTALLERS.

(a) Manufactured home installers are subject to all of the requirements of sections 326.83 to 326.98, except for the following:

(1) manufactured home installers are not subject to the continuing education requirements of section 326.87, but are subject to the continuing education requirements established in rules adopted under section 327B.10 and must satisfy the continuing education requirement under section 327B.10 related to plumbing issues prior to issuance of a license by the commissioner;

(2) the examination requirement of section 326.89, subdivision 3, for manufactured home installers shall be satisfied by successful completion of a written examination administered and developed specifically for the examination of manufactured home installers. The examination must be administered and developed by the commissioner. The commissioner and the state building official shall seek advice on the grading, monitoring, and updating of examinations from the Minnesota Manufactured Housing Association;

(3) a local government unit may not place a surcharge on a license fee, and may not charge a separate fee to installers;

(4) a dealer or distributor who does not install or repair manufactured homes is exempt from licensure under sections 326.83 to 326.98;

(5) the exemption under section 326.84, subdivision 3, clause (5), does not apply; and

(6) manufactured home installers are not subject to the contractor recovery fund in section 326.975.

(b) The commissioner may waive all or part of the requirements for licensure as a manufactured home installer for any individual who holds an unexpired license or certificate issued by any other state or other United States jurisdiction if the licensing requirements of that jurisdiction meet or exceed the corresponding licensing requirements of the department.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 37. Minnesota Statutes 2007 Supplement, section 326.86, subdivision 1, is amended to read:

Subdivision 1. **Licensing fee.** The licensing fee for persons licensed pursuant to sections 326.83 to 326.98, except for manufactured home installers, is \$100 per year. The licensing fee for manufactured home installers under section 326.841 is \$300 for a three-year period.

Sec. 38. Minnesota Statutes 2007 Supplement, section 326.87, subdivision 5, is amended to read:

Subd. 5. **Content.** (a) Continuing education consists of approved courses that impart appropriate and related knowledge in the regulated industries pursuant to sections 326.83 to 326.98. Courses may include relevant materials that are included in licensing exams subject to the limitations imposed in paragraph (e). The burden of demonstrating that courses impart appropriate and related knowledge is upon the person seeking approval or credit.

(b) Course examinations will not be required for continuing education courses unless they are required by the sponsor.

(c) Textbooks are not required to be used for continuing education courses. If textbooks are not used, the coordinator must provide students with a syllabus containing, at a minimum, the course title, the times and dates of the course offering, the names and addresses or telephone numbers of the course coordinator and instructor, and a detailed outline of the subject materials to be covered. Any written or printed material given to students must be of readable quality and contain accurate and current information.

(d) Upon completion of an approved course, licensees shall earn one hour of continuing education credit for each hour approved by the commissioner. Each continuing education course must be attended in its entirety in order to receive credit for the number of approved hours. Courses may be approved for full or partial credit, and for more than one regulated industry.

Continuing education credit in an approved course shall be awarded to presenting instructors on the basis of one credit for each hour of preparation for the initial presentation, which may not exceed three hours total credit for each approved course. Continuing education credit may not be earned if the licensee has previously obtained credit for the same course as a licensee or as an instructor within the three years immediately prior.

(e) The following courses will not be approved for credit:

- (1) courses designed solely to prepare students for a license examination;
- (2) courses in mechanical office or business skills, including typing, speed reading, or other machines or equipment. Computer courses are allowed, if appropriate and related to the regulated industry of the licensee;
- (3) courses in sales promotion, including meetings held in conjunction with the general business of the licensee;
- (4) courses in motivation, salesmanship, psychology, time management, or communication; or
- (5) courses that are primarily intended to impart knowledge of specific products of specific companies, if the use of the product or products relates to the sales promotion or marketing of one or more of the products discussed.

EFFECTIVE DATE. This section is effective September 1, 2008.

Sec. 39. Minnesota Statutes 2007 Supplement, section 326.93, subdivision 4, is amended to read:

Subd. 4. **Service on commissioner.** (a) When a person, including any nonresident of this state, engages in conduct prohibited or made actionable by sections 326.83 to 326.98, or any rule or order under those sections, and the person has not consented to service of process under subdivision 3, that conduct is equivalent to an appointment of the commissioner and successors in office as the person's agent to receive service of process in any noncriminal suit, action, or proceeding against the person that is based on that conduct and is brought under sections 326.83 to 326.98, or any rule or order under those sections, with the same force and validity as if served personally on the person consenting to the appointment of the commissioner and successors in office. Service under this section shall be made in compliance with subdivision 5.

(b) Subdivision 5 applies in all other cases in which a person, including a nonresident of this state, has filed a consent to service of process. This paragraph supersedes any inconsistent provision of law.

(c) Subdivision 5 applies in all cases in which service of process is allowed to be made on the commissioner.

~~(d) Subdivision 5 applies to any document served by the commissioner or the department under section 326B.08.~~

Sec. 40. Minnesota Statutes 2007 Supplement, section 326.94, subdivision 2, is amended to read:

Subd. 2. **Insurance.** ~~Licensees must have public liability insurance with limits of at least \$300,000 per occurrence, which must include at least \$10,000 property damage coverage. Each licensee shall have and maintain in effect commercial general liability insurance, which includes premises and operations insurance and products and completed operations insurance, with limits of at least \$100,000 per occurrence, \$300,000 aggregate limit for bodily injury, and property damage insurance with limits of at least \$25,000 or a policy with a single limit for bodily injury and property damage of \$300,000 per occurrence and \$300,000 aggregate limits. The insurance must be written by an insurer licensed to do business in this state. Each licensee shall maintain on file with the commissioner a certificate evidencing the insurance which provides that the insurance shall not be canceled without the insurer first giving 15 days' written notice of cancellation to the commissioner. The commissioner may increase the minimum amount of insurance required for any licensee or class of licensees if the commissioner considers it to be in the public interest and necessary to protect the interests of Minnesota consumers.~~

EFFECTIVE DATE. This section is effective August 1, 2008.

Sec. 41. Minnesota Statutes 2007 Supplement, section 326.97, subdivision 1a, is amended to read:

Subd. 1a. **Annual renewal.** Any license issued or renewed after August 1, 1993, must be renewed annually except for a manufactured home installer's license which shall have a renewal period of three years, effective for all renewals and new licenses issued after December 31, 2008.

Sec. 42. Minnesota Statutes 2007 Supplement, section 326B.082, subdivision 8, is amended to read:

Subd. 8. **Hearings related to administrative orders.** (a) Within 30 days after the commissioner issues an administrative order or within 20 days after the commissioner issues the notice under section 326B.083, subdivision 3, paragraph (b), clause (3), the person to whom the administrative order or notice is issued may request an expedited hearing to review the commissioner's order or notice. The request for hearing must be in writing and must be served on or faxed to the commissioner at the address or fax number specified in the order or notice. If the person does not request a hearing or if the person's written request for hearing is not served on or faxed to the commissioner by the 30th day after the commissioner issues the administrative order or the 20th day after the commissioner issues the notice under section 326B.083, subdivision 3, paragraph (b), clause (3), the order will become a final order of the commissioner and will not be subject to review by any court or agency. The date on which a request for hearing is served by mail shall be the postmark date on the envelope in which the request for hearing is mailed. The hearing request must specifically state the reasons for seeking review of the order or notice. The person to whom the order or notice is issued and the commissioner are the parties to the expedited hearing. The commissioner must notify the person to whom the order or notice is issued of the time and place of the hearing at least 15 days before the hearing. The expedited hearing must be held within 45 days after a request for hearing has been ~~served on~~ received by the commissioner unless the parties agree to a later date.

(b) Parties may submit written arguments if permitted by the administrative law judge. All written arguments must be submitted within ten days following the ~~close completion~~ of the hearing or the receipt of any late-filed exhibits that the parties and the administrative law judge have agreed should be received into the record, whichever is later. The hearing shall be conducted under Minnesota Rules, parts 1400.8510 to 1400.8612, as modified by this subdivision. The Office of Administrative Hearings may, in consultation with the agency, adopt rules specifically applicable to cases under this section.

(c) The administrative law judge shall issue a report making findings of fact, conclusions of law, and a recommended order to the commissioner within 30 days following the ~~close of the record~~ completion of the hearing, the receipt of late-filed exhibits, or the submission of written arguments, whichever is later.

(d) If the administrative law judge makes a finding that the hearing was requested solely for purposes of delay or that the hearing request was frivolous, the commissioner may add to the amount of the penalty the costs charged to the department by the Office of Administrative Hearings for the hearing.

(e) If a hearing has been held, the commissioner shall not issue a final order until at least five days after the date of the administrative law judge's report. Any person aggrieved by the administrative law judge's report may, within those five days, serve written comments to the commissioner on the report and the commissioner shall consider and enter the comments in the record. The commissioner's final order shall comply with sections 14.61, subdivision 2, and 14.62, subdivisions 1 and 2, may be appealed in the manner provided in sections 14.63 to 14.69.

Sec. 43. Minnesota Statutes 2007 Supplement, section 326B.082, subdivision 10, is amended to read:

Subd. 10. **Stop orders.** (a) If the commissioner determines based on an inspection or investigation that a person has violated or is about to violate the applicable law, the commissioner may issue to the person a stop order requiring the person to cease and desist from committing the violation.

(b) If the commissioner determines that a condition exists on real property that violates the applicable law, the commissioner may issue a stop order to the owner or lessee of the real property to cease and desist from committing the violation and to correct the condition that is in violation.

(c) The commissioner shall issue the stop work order by:

- (1) serving the order on the person who has committed or is about to commit the violation;
- (2) posting the order at the location where the violation was committed or is about to be committed or at the location where the violating condition exists; or
- (3) serving the order on any owner or lessee of the real property where the violating condition exists.

(d) A stop order shall:

- (1) describe the act, conduct, or practice committed or about to be committed, or the condition, and include a reference to the applicable law that the act, conduct, practice, or condition violates or would violate; and
- (2) provide notice that any person aggrieved by the stop order may request a hearing as provided in paragraph (e).

(e) Within 30 days after the commissioner issues a stop order, any person aggrieved by the order may request an expedited hearing to review the commissioner's action. The request for hearing must be made in writing and must be served on or faxed to the commissioner at the address or fax number specified in the order. If the person does not request a hearing or if the person's written request for hearing is not served on or faxed to the commissioner on or before the 30th day after the commissioner issued the stop order, the order will become a final order of the commissioner and will not be subject to review by any court or agency. The date on which a request for hearing is served by mail is the postmark date on the envelope in which the request for hearing is mailed. The hearing request must specifically state the reasons for seeking review of the order. The person who requested the hearing and the commissioner are the parties to the expedited hearing. The hearing shall be commenced within ten days after the commissioner receives the request for hearing. The hearing shall be conducted under Minnesota Rules, parts

1400.8510 to 1400.8612, as modified by this subdivision. The administrative law judge shall issue a report containing findings of fact, conclusions of law, and a recommended order within ten days after the ~~conclusion~~ completion of the hearing, the receipt of late-filed exhibits, or the submission of written arguments, whichever is later. Any party aggrieved by the administrative law judge's report shall have five days after the date of the administrative law judge's report to submit written exceptions and argument to the commissioner that the commissioner shall consider and enter in the record. Within 15 days after receiving the administrative law judge's report, the commissioner shall issue an order vacating, modifying, or making permanent the stop order. The commissioner and the person requesting the hearing may by agreement lengthen any time periods described in this paragraph. The Office of Administrative Hearings may, in consultation with the agency, adopt rules specifically applicable to cases under this subdivision.

(f) A stop order issued under this subdivision shall be in effect until it is modified or vacated by the commissioner or an appellate court. The administrative hearing provided by this subdivision and any appellate judicial review as provided in chapter 14 shall constitute the exclusive remedy for any person aggrieved by a stop order.

(g) Upon the application of the commissioner, a district court shall find the failure of any person to comply with a final stop order lawfully issued by the commissioner under this subdivision as a contempt of court.

Sec. 44. Minnesota Statutes 2007 Supplement, section 326B.082, subdivision 11, is amended to read:

Subd. 11. **Licensing orders; grounds; reapplication.** (a) The commissioner may deny an application for a permit, license, registration, or certificate if the applicant does not meet or fails to maintain the minimum qualifications for holding the permit, license, registration, or certificate, or has any unresolved violations or unpaid fees or monetary penalties related to the activity for which the permit, license, registration, or certificate has been applied for or was issued.

(b) The commissioner may deny, suspend, limit, place conditions on, or revoke a person's permit, license, registration, or certificate, or censure the person holding the permit, license, registration, or certificate, if the commissioner finds that the person:

- (1) committed one or more violations of the applicable law;
- (2) submitted false or misleading information to the state in connection with activities for which the permit, license, registration, or certificate was issued, or in connection with the application for the permit, license, registration, or certificate;
- (3) allowed the alteration or use of the person's own permit, license, registration, or certificate by another person;
- (4) within the previous five years, was convicted of a crime in connection with activities for which the permit, license, registration, or certificate was issued;
- (5) violated a final administrative order issued under subdivision 7 or a final stop order issued under subdivision 10, or injunctive relief issued under subdivision 9;
- (6) failed to cooperate with a commissioner's request to give testimony, to produce documents, things, apparatus, devices, equipment, or materials, or to access property under subdivision 2;
- (7) retaliated in any manner against any employee or person who is questioned by, cooperates with, or provides information to the commissioner or an employee or agent authorized by the commissioner who seeks access to property or things under subdivision 2;

(8) engaged in any fraudulent, deceptive, or dishonest act or practice; or

(9) performed work in connection with the permit, license, registration, or certificate or conducted the person's affairs in a manner that demonstrates incompetence, untrustworthiness, or financial irresponsibility.

(c) If the commissioner revokes or denies a person's permit, license, registration, or certificate under paragraph (b), the person is prohibited from reapplying for the same type of permit, license, registration, or certificate for at least two years after the effective date of the revocation or denial. The commissioner may, as a condition of reapplication, require the person to obtain a bond or comply with additional reasonable conditions the commissioner considers necessary to protect the public.

(d) If a permit, license, registration, or certificate expires, or is surrendered, withdrawn, or terminated, or otherwise becomes ineffective, the commissioner may institute a proceeding under this subdivision within two years after the permit, license, registration, or certificate was last effective and enter a revocation or suspension order as of the last date on which the permit, license, registration, or certificate was in effect.

Sec. 45. Minnesota Statutes 2007 Supplement, section 326B.082, subdivision 12, is amended to read:

Subd. 12. **Issuance of licensing orders; hearings related to licensing orders.** (a) If the commissioner determines that a permit, license, registration, or certificate should be conditioned, limited, suspended, revoked, or denied under subdivision 11, or that the permit holder, licensee, registrant, or certificate holder should be censured under subdivision 11, then the commissioner shall issue to the person an order denying, conditioning, limiting, suspending, or revoking the person's permit, license, registration, or certificate, or censuring the permit holder, licensee, registrant, or certificate holder.

(b) Any order issued under paragraph (a) may include an assessment of monetary penalties and may require the person to cease and desist from committing the violation or committing the act, conduct, or practice set out in subdivision 11, paragraph (b). The monetary penalty may be up to \$10,000 for each violation or act, conduct, or practice committed by the person. The procedures in section 326B.083 must be followed when issuing orders under paragraph (a).

(c) The permit holder, licensee, registrant, certificate holder, or applicant to whom the commissioner issues an order under paragraph (a) shall have 30 days after service of the order to request a hearing. The request for hearing must be in writing and must be served on or faxed to the commissioner at the address or fax number specified in the order by the 30th day after service of the order. If the person does not request a hearing or if the person's written request for hearing is not served on or faxed to the commissioner by the 30th day after service of the order, the order shall become a final order of the commissioner and will not be subject to review by any court or agency. The date on which a request for hearing is served by mail shall be the postmark date on the envelope in which the request for hearing is mailed. If the person submits to the commissioner a timely request for hearing, the order is stayed unless the commissioner summarily suspends the license, registration, certificate, or permit under subdivision 13, and a contested case hearing shall be held in accordance with chapter 14.

~~(d) Paragraph (c) does not apply to summary suspension under subdivision 13.~~

Sec. 46. Minnesota Statutes 2007 Supplement, section 326B.082, subdivision 13, is amended to read:

Subd. 13. **Summary suspension.** In any case where the commissioner has issued an order to revoke, ~~or suspend, or deny~~ a license, registration, certificate, or permit under ~~subdivision~~ subdivisions 11, paragraph (b), and 12, the commissioner may summarily suspend the person's permit, license, registration, or certificate before the order becomes final. The commissioner shall issue a summary suspension order when the safety of life or property is threatened or to prevent the commission of fraudulent, deceptive, untrustworthy, or dishonest acts against the

public. The summary suspension shall not affect the deadline for submitting a request for hearing under subdivision 12. If the commissioner summarily suspends a person's permit, license, registration, or certificate, a timely request for hearing submitted under subdivision 12 shall also be considered a timely request for hearing on continuation of the summary suspension. If the commissioner summarily suspends a person's permit, license, registration, or certificate under this subdivision and the person submits a timely request for a hearing, then a hearing on continuation of the summary suspension must be held within ten days after the commissioner receives the request for hearing unless the parties agree to a later date.

Sec. 47. Minnesota Statutes 2007 Supplement, section 326B.083, subdivision 3, is amended to read:

Subd. 3. **Penalty.** (a) If an administrative order includes a penalty assessment, then the penalty is due and payable on the date the administrative order becomes final unless some or all of the penalty is forgivable. If a licensing order includes a penalty assessment, then the penalty is due and payable on the date the licensing order becomes final.

(b) This paragraph applies if an administrative order includes a penalty assessment and all or a portion of the penalty is forgivable.

(1) If any portion of the penalty is not forgivable, that portion of the penalty is due and payable ten days after the date the administrative order becomes final.

(2) The commissioner shall forgive the forgivable portion of the penalty if the commissioner determines that the violation has been corrected within the time set by the order or the person to whom the order was issued has developed a correction plan acceptable to the commissioner within the time set by the order.

(3) If the commissioner determines that the person to whom the order was issued has failed to correct the violation within the time set by the order or has failed to develop a correction plan acceptable to the commissioner within the time set by the order, then the forgivable portion of the penalty is due and payable ~~ten~~ 20 days after the commissioner serves notice of the determination on the person or on the date the administrative order becomes final, whichever is later.

(c) This paragraph applies if an administrative order or a licensing order includes a penalty assessment and if the person subject to the order has requested a hearing. The administrative law judge may not recommend a change in the amount of the penalty if the penalty was assessed in accordance with a plan prepared under section 326B.082, subdivision 14. If the commissioner has not prepared a plan under section 326B.082, subdivision 14, then the administrative law judge may not recommend a change in the amount of the penalty unless the administrative law judge determines that, based on the factors in section 14.045, subdivision 3, the amount of the penalty is unreasonable.

(d) The assessment of a penalty does not preclude the use of other enforcement provisions, under which penalties are not assessed, in connection with the violation for which the penalty was assessed.

Sec. 48. Minnesota Statutes 2007 Supplement, section 326B.42, is amended by adding a subdivision to read:

Subd. 7. **Plumber's apprentice.** A "plumber's apprentice" is any individual, other than a master, restricted master, journeyman, or restricted journeyman plumber who, as a principal occupation, is engaged in working as an employee of a plumbing contractor under the direct supervision of a master, restricted master, journeyman, or restricted journeyman plumber and is learning and assisting in the installation of plumbing.

Sec. 49. Minnesota Statutes 2007 Supplement, section 326B.89, subdivision 5, is amended to read:

Subd. 5. **Payment limitations.** Except as otherwise provided in this section, the commissioner shall not pay compensation from the fund to an owner or a lessee in an amount greater than \$75,000. Except as otherwise provided in this section, the commissioner shall not pay compensation from the fund to owners and lessees in an amount that totals more than \$150,000 per licensee. The commissioner shall not pay compensation from the fund for a final judgment based on a cause of action that arose before the commissioner's receipt of the licensee's fee required by subdivision 3. The commissioner shall only pay compensation from the fund for a final judgment that is based on a contract directly between the licensee and the homeowner or lessee that was entered into prior to the cause of action and that requires licensure as a residential building contractor or residential remodeler.

Sec. 50. Minnesota Statutes 2007 Supplement, section 326B.89, subdivision 6, is amended to read:

Subd. 6. **Verified application.** To be eligible for compensation from the fund, an owner or lessee shall serve on the commissioner a verified application for compensation on a form approved by the commissioner. The application shall verify the following information:

- (1) the specific grounds upon which the owner or lessee seeks to recover from the fund;
- (2) that the owner or the lessee has obtained a final judgment in a court of competent jurisdiction against a licensee licensed under section 326B.803;
- (3) that the final judgment was obtained against the licensee on the grounds of fraudulent, deceptive, or dishonest practices, conversion of funds, or failure of performance that arose directly out of a ~~transaction~~ contract directly between the licensee and the homeowner or lessee that was entered into prior to the cause of action and that occurred when the licensee was licensed and performing any of the special skills enumerated under section 326B.802, subdivision 19;
- (4) the amount of the owner's or the lessee's actual and direct out-of-pocket loss on the owner's residential real estate, on residential real estate leased by the lessee, or on new residential real estate that has never been occupied or that was occupied by the licensee for less than one year prior to purchase by the owner;
- (5) that the residential real estate is located in Minnesota;
- (6) that the owner or the lessee is not the spouse of the licensee or the personal representative of the licensee;
- (7) the amount of the final judgment, any amount paid in satisfaction of the final judgment, and the amount owing on the final judgment as of the date of the verified application; ~~and~~
- (8) that the owner or lessee has diligently pursued remedies against all the judgment debtors and all other persons liable to the judgment debtor in the contract for which the owner or lessee seeks recovery from the fund; and
- ~~(8)~~ (9) that the verified application is being served within two years after the judgment became final.

The owner's and the lessee's actual and direct out-of-pocket loss shall not include attorney fees, litigation costs or fees, interest on the loss, and interest on the final judgment obtained as a result of the loss. Any amount paid in satisfaction of the final judgment shall be applied to the owner's or lessee's actual and direct out-of-pocket loss. An owner or lessee may serve a verified application regardless of whether the final judgment has been discharged by a bankruptcy court. A judgment issued by a court is final if all proceedings on the judgment have either been pursued and concluded or been forgone, including all reviews and appeals. For purposes of this section, owners who are

joint tenants or tenants in common are deemed to be a single owner. For purposes of this section, owners and lessees eligible for payment of compensation from the fund shall not include government agencies, political subdivisions, financial institutions, and any other entity that purchases, guarantees, or insures a loan secured by real estate.

Sec. 51. Minnesota Statutes 2007 Supplement, section 326B.89, subdivision 12, is amended to read:

Subd. 12. **Limitation.** Notwithstanding subdivision 5, nothing may obligate the fund to compensate for claims brought by:

(1) insurers or sureties under subrogation or similar theories; or

(2) ~~an owner~~ owners of residential property ~~for final judgments against a prior owner of the residential property where the contracting activity complained of was the result of a contract entered into with a prior owner, unless the claim is brought and judgment is rendered for breach of the statutory warranty set forth in chapter 327A.~~

Sec. 52. Minnesota Statutes 2007 Supplement, section 326B.89, subdivision 14, is amended to read:

Subd. 14. **Accelerated compensation.** (a) Payments made from the fund to compensate owners and lessees that do not exceed the jurisdiction limits for conciliation court matters as specified in section 491A.01 may be paid on an accelerated basis if all of the following requirements in paragraphs (b) and (c) have been satisfied.

(b) The owner or the lessee has served upon the commissioner a verified application for compensation that complies with the requirements set out in subdivision 6 and the commissioner determines based on review of the application that compensation should be paid from the fund. The commissioner shall calculate the actual and direct out-of-pocket loss in the transaction, minus attorney fees, litigation costs or fees, interest on the loss and on the judgment obtained as a result of the loss, and any satisfaction of the judgment, and make payment to the owner or the lessee up to the conciliation court jurisdiction limits within ~~15~~ 45 days after the owner or lessee serves the verified application.

(c) The commissioner may pay compensation to owners or lessees that totals not more than \$50,000 per licensee per fiscal year under this accelerated process. The commissioner may prorate the amount of compensation paid to owners or lessees under this subdivision if applications submitted by owners and lessees seek compensation in excess of \$50,000 against a licensee. Any unpaid portion of a verified application that has been prorated under this subdivision shall be satisfied in the manner set forth in subdivision 9.

Sec. 53. Minnesota Statutes 2006, section 327.32, subdivision 1, is amended to read:

Subdivision 1. **Requirement.** No person shall sell, or offer for sale, in this state, any manufactured home manufactured after July 1, 1972, manufacture any manufactured home in this state or ~~park~~ install for occupancy any manufactured home manufactured after July 1, 1972, in any manufactured home park in this state unless the manufactured home complies with the Manufactured Home Building Code and:

(a) Bears a seal issued by the commissioner, and is, whenever possible, accompanied by a certificate by the manufacturer or dealer, both evidencing that it complies with the Manufactured Home Building Code; or

(b) If manufactured after June 14, 1976, bears a label as required by the secretary.

Sec. 54. Minnesota Statutes 2006, section 327.33, is amended by adding a subdivision to read:

Subd. 2a. **Construction seal fees.** Replacement manufactured home or accessory structure construction seal fees, including certificates, are \$30 per seal.

Sec. 55. Minnesota Statutes 2006, section 327.33, is amended by adding a subdivision to read:

Subd. 2b. **Installation seal fees.** Manufactured home installation seal fees, including anchoring and support and including certificates, are \$80.

Sec. 56. Minnesota Statutes 2006, section 327.33, is amended by adding a subdivision to read:

Subd. 2c. **Temporary installation certificate fees.** A temporary certificate fee is \$2 per certificate.

Sec. 57. Minnesota Statutes 2006, section 327.33, is amended by adding a subdivision to read:

Subd. 2d. **Label fee.** The United States Department of Housing and Urban Development label fee shall be paid by the manufacturer to the secretary.

Sec. 58. Minnesota Statutes 2006, section 327.33, is amended by adding a subdivision to read:

Subd. 2e. **Seal order shipping and handling fee.** The shipping and handling fee for each order of seals is the current postage rate plus a \$3 handling fee.

Sec. 59. Minnesota Statutes 2006, section 327A.04, subdivision 2, is amended to read:

Subd. 2. **Modification.** At any time after a contract for the sale of a dwelling is entered into by and between a vendor and a vendee or a contract for home improvement work is entered into by and between a home improvement contractor and an owner, any of the statutory warranties provided for in section 327A.02 may be excluded or modified only by a written instrument, printed in boldface type of a minimum size of ten points, which is signed by the vendee or the owner and which sets forth in detail the warranty involved, the consent of the vendee or the owner, and the terms of the new agreement contained in the writing. No exclusion or modification shall be effective unless the vendor or the home improvement contractor provides substitute express warranties offering substantially the same protections to the vendee or the owner as the statutory warranties set forth in section 327A.02. Any modification or exclusion agreed to by vendee and vendor or the owner and home improvement contractor pursuant to this subdivision shall not require the approval of the commissioner of ~~administration~~ labor and industry pursuant to section 327A.07.

Sec. 60. Minnesota Statutes 2006, section 327A.07, is amended to read:

327A.07 VARIATIONS.

The commissioner of ~~administration~~ labor and industry may approve pursuant to sections 14.05 to 14.28, variations from the provisions of sections 327A.02 and 327A.03 if the warranty program of the vendor or the home improvement contractor requesting the variation offers at least substantially the same protections to the vendee or owner as provided by the statutory warranties set forth in section 327A.02.

Sec. 61. Minnesota Statutes 2007 Supplement, section 327B.04, subdivision 4, is amended to read:

Subd. 4. **License prerequisites.** No application shall be granted nor license issued until the applicant proves to the commissioner that:

(a) the applicant has a permanent, established place of business at each licensed location. An "established place of business" means a permanent enclosed building other than a residence, or a commercial office space, either owned by the applicant or leased by the applicant for a term of at least one year, located in an area where zoning regulations allow commercial activity, and where the books, records and files necessary to conduct the business are kept and maintained. The owner of a licensed manufactured home park who resides in or adjacent to the park may use the residence as the established place of business required by this subdivision, unless prohibited by local zoning ordinance.

If a license is granted, the licensee may use unimproved lots and premises for sale, storage, and display of manufactured homes, if the licensee first notifies the commissioner in writing;

(b) if the applicant desires to sell, solicit or advertise the sale of new manufactured homes, it has a bona fide contract or franchise in effect with a manufacturer or distributor of the new manufactured home it proposes to deal in;

(c) the applicant has secured: (1) a surety bond in the amount of \$20,000 for ~~the each~~ agency and each subagency location that bears the applicant's name and the name under which the applicant will be licensed and do business in this state. Each bond is for the protection of consumer customers, and must be executed by the applicant as principal and issued by a surety company admitted to do business in this state. Each bond shall be exclusively for the purpose of reimbursing consumer customers and shall be conditioned upon the faithful compliance by the applicant with all of the laws and rules of this state pertaining to the applicant's business as a dealer or manufacturer, including sections 325D.44, 325F.67 and 325F.69, and upon the applicant's faithful performance of all its legal obligations to consumer customers; and (2) a certificate of liability insurance in the amount of \$1,000,000 that provides aggregate coverage for the agency and each subagency location;

(d) the applicant has established a trust account as required by section 327B.08, subdivision 3, unless the applicant states in writing its intention to limit its business to selling, offering for sale, soliciting or advertising the sale of new manufactured homes; and

(e) the applicant has provided evidence of having had at least two years' prior experience in the sale of manufactured homes, working for a licensed dealer.

Sec. 62. Minnesota Statutes 2006, section 327B.06, subdivision 1, is amended to read:

Subdivision 1. **Retention.** A dealer shall retain for ~~three~~ five years copies of all listings, deposit receipts, credit applications, contracts, disclosure forms, canceled checks, trust account records and other documents reasonably related to carrying on the business of a dealer. The retention period shall run from the date of the closing of the transaction or from the date of the listing if the transaction is not consummated.

Sec. 63. Laws 2007, chapter 140, article 4, section 12, is amended to read:

Sec. 12. Minnesota Statutes 2006, section 16B.65, is amended to read:

16B.65 BUILDING OFFICIALS.

Subdivision 1. **Designation.** Each municipality shall designate a building official to administer the code. A municipality may designate no more than one building official responsible for code administration defined by each certification category established in rule. Two or more municipalities may combine in the designation of a building official for the purpose of administering the provisions of the code within their communities. In those municipalities for which no building officials have been designated, the state building official may use whichever state employees are necessary to perform the duties of the building official until the municipality makes a temporary or permanent designation. All costs incurred by virtue of these services rendered by state employees must be borne by the involved municipality and receipts arising from these services must be paid to the commissioner.

Subd. 2. **Qualifications.** A building official, to be eligible for designation, must be certified and have the experience in design, construction, and supervision which the commissioner deems necessary and must be generally informed on the quality and strength of building materials, accepted building construction requirements, and the nature of equipment and needs conducive to the safety, comfort, and convenience of building occupants. No person may be designated as a building official for a municipality unless the commissioner determines that the official is qualified as provided in subdivision 3.

Subd. 3. **Certification.** The commissioner shall by rule establish certification criteria as proof of qualification pursuant to subdivision 2. The commissioner may:

(1) develop and administer written and practical examinations to determine if a person is qualified pursuant to subdivision 2 to be a building official;

(2) accept documentation of successful completion of testing programs developed and administered by nationally recognized testing agencies, as proof of qualification pursuant to subdivision 2; or

(3) determine qualifications by satisfactory completion of clause (2) and a mandatory training program developed or approved by the commissioner.

Upon a determination of qualification under clause (1), (2), or (3), the commissioner shall issue a certificate to the building official stating that the official is certified. Each person applying for examination and certification pursuant to this section shall pay a nonrefundable fee of \$70. The commissioner or a designee may establish categories of certification that will recognize the varying complexities of code enforcement in the municipalities within the state. The commissioner shall provide educational programs designed to train and assist building officials in carrying out their responsibilities.

Subd. 4. **Duties.** Building officials shall, in the municipality for which they are designated, be responsible for all aspects of code administration for which they are certified, including the issuance of all building permits and the inspection of all manufactured home installations. The commissioner may direct a municipality with a building official to perform services for another municipality, and in that event the municipality being served shall pay the municipality rendering the services the reasonable costs of the services. The costs may be subject to approval by the commissioner.

~~Subd. 5. **Oversight committee.** (a) The commissioner shall establish a Code Administration Oversight Committee that will, at the commissioner's request, recommend to the commissioner appropriate action pursuant to section 326B.82, in response to information received or obtained by the commissioner that supports a finding that: (1) an individual has engaged in, or is about to engage in, the unauthorized performance of the duties of a certified building official or the unauthorized use of the certified building official title; or (2) a certified building official has violated a statute, rule, stipulation, agreement, settlement, compliance agreement, cease and desist agreement, or order that the commissioner has adopted, issued, or has the authority to enforce and that is related to the duties of a certified building official.~~

~~(b) The committee shall consist of six members. One member shall be the commissioner's designee and five members shall be certified building officials who are appointed by the commissioner. At least two of the appointed certified building officials must be from nonmetropolitan counties. For the committee members who are not state officials or employees, their compensation and removal from the oversight committee is governed by section 15.059. The commissioner's designee shall serve as the chair of the oversight committee and shall not vote. The terms of the appointed members of the oversight committee shall be four years. The terms of three of the appointed members shall be coterminous with the governor and the terms of the remaining two appointed members shall end on the first Monday in January one year after the terms of the other appointed members expire. An appointed member may be reappointed. The committee is not subject to the expiration provisions of section 15.059, subdivision 5.~~

~~(c) If the commissioner determines that an individual has engaged in the unauthorized performance of the duties of a certified building official or the unauthorized use of the certified building official title, or that a certified building official has violated a statute, rule, stipulation, agreement, settlement, compliance agreement, cease and desist agreement, or order that the commissioner has adopted, issued, or is authorized to enforce that is related to the duties of a certified building official, the commissioner may take administrative actions against the individual pursuant to section 326B.082, subdivisions 7 and 11.~~

Subd. 5b. **Grounds.** In addition to the grounds set forth in section 326B.082, subdivision 11, the commissioner may deny, suspend, limit, place conditions on, or revoke a certificate, or may censure an applicant or individual holding a certificate, if the applicant or individual:

- (1) violates a provision of sections 16B.59 to 16B.75 or a rule adopted under those sections; or
- (2) engages in fraud, deceit, or misrepresentation while performing the duties of a certified building official.

Nothing in this subdivision limits or otherwise affects the authority of a municipality to dismiss or suspend a building official at its discretion, except as otherwise provided for by law.

Subd. 5c. **Action against unlicensed persons.** The commissioner may take any administrative action provided under section 326B.082, against an individual required to be certified under subdivision 3, based upon conduct that would provide grounds for action against a certificate holder under this section.

Subd. 6. **Vacancies.** In the event that a designated building official position is vacant within a municipality, that municipality shall designate a certified building official to fill the vacancy as soon as possible. The commissioner must be notified of any vacancy or designation in writing within 15 days. If the municipality fails to designate a certified building official within 15 days of the occurrence of the vacancy, the state building official may provide state employees to serve that function as provided in subdivision 1 until the municipality makes a temporary or permanent designation. Municipalities must not issue permits without a designated certified building official.

Subd. 7. **Continuing education.** Subject to sections 16B.59 to 16B.75, the commissioner may by rule establish or approve continuing education programs for certified building officials dealing with matters of building code administration, inspection, and enforcement.

Each person certified as a building official for the state must satisfactorily complete applicable educational programs established or approved by the commissioner to retain certification.

Subd. 8. **Renewal.** (a) Subject to sections 16B.59 to 16B.76, the commissioner of labor and industry may by rule adopt standards dealing with renewal requirements.

(b) If the commissioner has not issued a notice of denial of application for a certificate holder and if the certificate holder has properly and timely filed a fully completed renewal application, then the certificate holder may continue to engage in building official activities whether or not the renewed certificate has been received. Applications must be made on a form approved by the commissioner. Each application for renewal must be fully completed, and be accompanied by proof of the satisfactory completion of minimum continuing education requirements and the certification renewal fee established by the commissioner. Applications are timely if received prior to the expiration of the most recently issued certificate. An application for renewal that does not contain all of the information requested is an incomplete application and will not be accepted.

Subd. 9. **Expiration.** All certificates expire at 11:59:59 p.m. central time on the date of expiration if not properly renewed in accordance with subdivision 8, paragraph (b).

Subd. 10. **Failure to renew.** An individual who has failed to make a timely application for renewal of a certificate is not certified and must not serve as the designated building official for any municipality until a renewed certificate has been issued by the commissioner.

EFFECTIVE DATE. This section is effective July 1, 2007.

Sec. 64. **REVISOR'S INSTRUCTION.**

(a) The revisor of statutes shall renumber each section of Minnesota Statutes listed in column A with the number listed in column B. The revisor shall also make necessary cross-reference changes consistent with the renumbering.

<u>Column A</u>	<u>Column B</u>
<u>16B.655</u>	<u>326B.135</u>
<u>326.01, subdivision 4a</u>	<u>326B.31, subdivision 4a</u>
<u>326.01, subdivision 4b</u>	<u>326B.31, subdivision 4b</u>
<u>326.01, subdivision 4c</u>	<u>326B.31, subdivision 4c</u>
<u>326.01, subdivision 4d</u>	<u>326B.31, subdivision 4d</u>
<u>326.01, subdivision 4e</u>	<u>326B.31, subdivision 4e</u>
<u>326.01, subdivision 7</u>	<u>326B.42, subdivision 5</u>
<u>326.01, subdivision 8</u>	<u>326B.42, subdivision 6</u>
<u>326.3705</u>	<u>326B.435</u>
<u>326.371</u>	<u>326B.439</u>
<u>326.401</u>	<u>326B.474</u>
<u>326.402</u>	<u>326B.475</u>
<u>326.505</u>	<u>326B.925</u>

(b) Notwithstanding the repeal of Minnesota Statutes 2006, section 16B.76, in Laws 2007, chapter 133, article 2, section 13, the revisor shall give effect to the revisor's instruction in Laws 2007, chapter 140, article 4, section 61, to renumber Minnesota Statutes, section 16B.76, as section 326B.07, by including the language of Minnesota Statutes, section 16B.76, as amended by Laws 2007, chapter 140, article 4, section 27, in Minnesota Statutes, section 326B.07.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 65. **REPEALER.**

Minnesota Statutes 2006, section 16B.69; Minnesota Statutes 2007 Supplement, sections 326.2411; 326.372; and 326.471; Laws 2007, chapter 9, section 1; Laws 2007, chapter 135, article 4, sections 2; 8; Laws 2007, chapter 135, article 6, section 3; Laws 2007, chapter 140, article 12, section 9; and Minnesota Rules, part 3800.3510, are repealed."

Delete the title and insert:

"A bill for an act relating to construction professions; modifying provisions relating to the electrical, plumbing, water conditioning, boiler, and high-pressure piping professions; amending Minnesota Statutes 2006, sections 299F.011, subdivision 3; 326.244, subdivision 1; 327.32, subdivision 1; 327.33, by adding subdivisions; 327A.04, subdivision 2; 327A.07; 327B.06, subdivision 1; Minnesota Statutes 2007 Supplement, sections 16B.64, subdivision 8; 181.723, subdivision 2; 183.60, subdivision 2; 326.01, subdivisions 4b, 5; 326.2415, subdivisions 2, 6; 326.242, subdivisions 2, 3d, 5, 12, by adding subdivisions; 326.244, subdivision 5; 326.37, subdivision 1a; 326.3705, subdivision 1; 326.40, subdivisions 2, 3, by adding a subdivision; 326.47, subdivision 2; 326.48, subdivisions 1, 2,

2a, 2b, 5; 326.50; 326.505, subdivisions 1, 2, 8; 326.62; 326.84, subdivision 1; 326.841; 326.86, subdivision 1; 326.87, subdivision 5; 326.93, subdivision 4; 326.94, subdivision 2; 326.97, subdivision 1a; 326B.082, subdivisions 8, 10, 11, 12, 13; 326B.083, subdivision 3; 326B.42, by adding a subdivision; 326B.89, subdivisions 5, 6, 12, 14; 327B.04, subdivision 4; Laws 2007, chapter 140, article 4, section 12; repealing Minnesota Statutes 2006, section 16B.69; Minnesota Statutes 2007 Supplement, sections 326.2411; 326.372; 326.471; Laws 2007, chapter 9, section 1; Laws 2007, chapter 135, article 4, sections 2; 8; article 6, section 3; Laws 2007, chapter 140, article 12, section 9; Minnesota Rules, part 3800.3510."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Ways and Means.

The report was adopted.

Solberg from the Committee on Ways and Means to which was referred:

H. F. No. 3280, A bill for an act relating to state lands; providing for expedited exchanges of public land; proposing coding for new law in Minnesota Statutes, chapter 94.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Carlson from the Committee on Finance to which was referred:

H. F. No. 3349, A bill for an act relating to higher education; removing a surplus appropriation sunset provision; amending Minnesota Statutes 2007 Supplement, section 136A.121, subdivision 7a.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Solberg from the Committee on Ways and Means to which was referred:

H. F. No. 3490, A bill for an act relating to drivers' licenses; imposing \$30 reinstatement fee following revocation of juvenile's license; amending Minnesota Statutes 2006, section 171.29, subdivision 1.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Solberg from the Committee on Ways and Means to which was referred:

H. F. No. 3558, A bill for an act relating to motor vehicles; requiring commissioner of public safety to issue temporary permits for passenger vehicles used in connection with the 2008 U.S. Women's Open.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Carlson from the Committee on Finance to which was referred:

H. F. No. 3602, A bill for an act relating to economic development; amending business subsidy provisions; defining terms; amending Minnesota Statutes 2006, sections 116J.993, subdivision 3; 116J.994, subdivisions 2, 5.

Reported the same back with the following amendments:

Page 4, after line 14, insert:

"Sec. 4. Minnesota Statutes 2006, section 116J.994, subdivision 8, is amended to read:

Subd. 8. **Reports by grantors.** (a) Local government agencies of a local government with a population of more than 2,500 and state government agencies, regardless of whether or not they have awarded any business subsidies, must file a report by April 1 of each year with the commissioner. Local government agencies of a local government with a population of 2,500 or less are exempt from filing this report if they have not awarded a business subsidy in the past five years. The report must include a list of recipients that did not complete the recipient report required under subdivision 7 and a list of recipients that have not met their job and wage goals within two years and the steps being taken to bring them into compliance or to recoup the subsidy.

If the commissioner has not received the report by April 1 from an entity required to report, the commissioner shall issue a warning to the government agency. If the commissioner has still not received the report by June 1 of that same year from an entity required to report, then that government agency may not award any business subsidies until the report has been filed.

(b) The report required under paragraph (a) is also required for financial assistance of \$25,000 and greater that is excluded from the definition of "business subsidy" by section 116J.993, subdivision 3, clause (1), and of \$75,000 and greater that is excluded from the definition of "business subsidy" by section 116J.993, subdivision 3, clause (21). The report for the financial assistance under this paragraph must be completed within one year of the granting of the financial assistance. The report required for financial assistance under this paragraph must include:

(1) the name of the recipient, its organizational structure, its address and contact information, and its industry sector;

(2) a description of the amount and use of the financial assistance and the total project budget, including a list of all financial assistance by all grantors for the project and the private sources of financial assistance;

(3) the public purpose of the financial assistance, the job goals associated with both the financial assistance and the total project in which the financial assistance is included, the hourly wage of each job created, and the cost of health insurance provided by the employer;

(4) the date the project will be completed;

(5) the name and address of the parent corporation of the recipient, if any; and

(6) any other information the commissioner may request.

(c) The commissioner of employment and economic development must provide information on reporting requirements to state and local government agencies."

Renumber the sections in sequence and correct the internal references

Correct the title numbers accordingly

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "requiring reports;"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Taxes.

The report was adopted.

Solberg from the Committee on Ways and Means to which was referred:

H. F. No. 3706, A bill for an act relating to motor vehicles; repealing surcharge for special veteran license plates; repealing Minnesota Statutes 2006, section 168.123, subdivision 2a.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Carlson from the Committee on Finance to which was referred:

H. F. No. 3722, A bill for an act relating to unemployment insurance; providing for extended unemployment benefits under certain circumstances; amending Minnesota Statutes 2007 Supplement, section 268.115, subdivision 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **[116J.996] MILITARY RESERVIST ECONOMIC INJURY LOANS.**

Subdivision 1. Definitions. (a) The definitions in this subdivision apply to this section.

(b) "Active service" has the meaning given in section 190.05.

(c) "Commissioner" means the commissioner of employment and economic development.

(d) "Eligible business" means a small business, as defined in section 645.445, that was operating in Minnesota on the date a military reservist received orders for active service.

(e) "Essential employee" means a military reservist who is an owner or employee of an eligible business and whose managerial or technical expertise is critical to the day-to-day operation of the eligible business.

(f) "Military reservist" means a member of the reserve component of the armed forces.

(g) "Reserve component of the armed forces" has the meaning given it in United States Code, title 10, section 101(c).

(h) "Substantial economic injury" means an economic harm to an eligible business that results in the inability of the eligible business to:

(1) meet its obligations as they mature;

(2) pay its ordinary and necessary operating expenses; or

(3) manufacture, produce, market, or provide a product or service ordinarily manufactured, produced, marketed, or provided by the eligible business.

Subd. 2. **Loan program.** The commissioner may make onetime, interest-free loans of up to \$20,000 per borrower to eligible businesses that have sustained or are likely to sustain substantial economic injury as a result of the call to active service for 180 days or more of an essential employee. Loans must be made for the purpose of preventing, remedying, or ameliorating the substantial economic injury.

Subd. 3. **Revolving loan account.** The commissioner shall use money appropriated for the purpose to establish a revolving loan account. All repayments of loans made under this section must be deposited into this account. Interest earned on money in the account accrues to the account. Money in the account is appropriated to the commissioner for purposes of the loan program created in this section, including costs incurred by the commissioner to establish and administer the program.

Subd. 4. **Rules.** Using the expedited rulemaking procedures of section 14.389, the commissioner shall develop and publish expedited rules for loan applications, use of funds, needed collateral, terms of loans, and other details of military reservist economic injury loans.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 2. Minnesota Statutes 2007 Supplement, section 116L.17, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms have the meanings given them in this subdivision.

(b) "Commissioner" means the commissioner of employment and economic development.

(c) "Dislocated worker" means an individual who is a resident of Minnesota at the time employment ceased or was working in the state at the time employment ceased and:

(1) has been permanently separated or has received a notice of permanent separation from public or private sector employment and is eligible for or has exhausted entitlement to unemployment benefits, and is unlikely to return to the previous industry or occupation;

(2) has been long-term unemployed and has limited opportunities for employment or reemployment in the same or a similar occupation in the area in which the individual resides, including older individuals who may have substantial barriers to employment by reason of age;

(3) has been terminated or has received a notice of termination of employment as a result of a plant closing or a substantial layoff at a plant, facility, or enterprise;

(4) has been self-employed, including farmers and ranchers, and is unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters;

(5) has been permanently separated from employment in a restaurant, bar, or lawful gambling organization from October 1, 2007, to October 1, 2009, due to the implementation of any state law prohibiting smoking; ~~or~~

(6) is a veteran as defined by section 197.447, has been discharged or released from active duty under honorable conditions within the last 36 months, and (i) is unemployed or (ii) is employed in a job which pays less than what the veteran could verifiably earn; or

~~(7)~~ (7) is a displaced homemaker. A "displaced homemaker" is an individual who has spent a substantial number of years in the home providing homemaking service and (i) has been dependent upon the financial support of another; and now due to divorce, separation, death, or disability of that person, must find employment to self support; or (ii) derived the substantial share of support from public assistance on account of dependents in the home and no longer receives such support.

To be eligible under this clause, the support must have ceased while the worker resided in Minnesota.

(d) "Eligible organization" means a state or local government unit, nonprofit organization, community action agency, business organization or association, or labor organization.

(e) "Plant closing" means the announced or actual permanent shutdown of a single site of employment, or one or more facilities or operating units within a single site of employment.

(f) "Substantial layoff" means a permanent reduction in the workforce, which is not a result of a plant closing, and which results in an employment loss at a single site of employment during any 30-day period for at least 50 employees excluding those employees that work less than 20 hours per week.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 3. **APPROPRIATION; MILITARY RESERVIST ECONOMIC INJURY LOANS.**

\$500,000 is appropriated from the general fund to the commissioner of employment and economic development in fiscal year 2009 for military reservist economic injury loans under Minnesota Statutes, section 116J.996.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 4. **APPROPRIATION; DISLOCATED WORKERS.**

\$500,000 is appropriated from the general fund to the commissioner of employment and economic development in fiscal year 2009 for expenditures related to dislocated workers who are eligible veterans under Minnesota Statutes, section 116L.17, subdivision 1, paragraph (c), clause (6).

EFFECTIVE DATE. This section is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to economic development; providing military reservist economic injury loans; defining terms; appropriating money; amending Minnesota Statutes 2007 Supplement, section 116L.17, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 116J."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Ways and Means.

The report was adopted.

Solberg from the Committee on Ways and Means to which was referred:

H. F. No. 3800, A bill for an act relating to transportation; modifying or adding provisions relating to highways, motor vehicles, traffic regulations, drivers' licenses, transit, railroads, motor carriers, and other transportation-related programs or activities; imposing penalties; requiring reports; amending Minnesota Statutes 2006, sections 86B.825, subdivision 5; 123B.88, subdivision 3; 161.081, subdivision 3, as amended, by adding subdivisions; 168.011, subdivision 7; 168.012, subdivision 1; 168.013, subdivision 1e; 168.021, subdivisions 1, 2; 168.09, subdivision 7; 168.185; 168A.03, subdivision 1; 168A.05, subdivision 9; 168B.051, subdivision 2; 168B.06, subdivisions 1, 3; 168B.07, by adding subdivisions; 168B.08, subdivision 1; 168B.087, subdivision 1; 169.01, subdivisions 55, 76, by adding subdivisions; 169.18, subdivisions 1, 5, by adding a subdivision; 169.224; 169.67, subdivision 3; 169.781, subdivisions 1, 2, 5; 169.79; 169.801; 169.82, subdivision 3; 169.826, subdivision 1a; 169.85, subdivision 1; 169.86, by adding a subdivision; 169A.03, subdivision 23; 171.01, subdivisions 35, 46; 171.02, by adding a subdivision; 171.03; 171.055, subdivisions 1, 2; 171.0701; 171.13, by adding a subdivision; 171.165, subdivision 2; 171.321, subdivision 1; 174.02, subdivision 2; 174.03, subdivision 1; 174.24, by adding a subdivision; 174.64, subdivisions 2, 4; 174.66; 221.011, subdivisions 8, 23, by adding subdivisions; 221.025; 221.026; 221.031, subdivision 1; 221.0314, subdivision 9a; 221.036, subdivisions 1, 3; 221.131; 221.132; 221.141, subdivision 4; 221.185; 221.221, subdivision 3; 221.291, subdivision 4; 299D.03, subdivision 1; 299D.06; 473.1465, by adding a subdivision; 473.388, subdivision 2; Minnesota Statutes 2007 Supplement, sections 168.017, subdivision 3; 169.443, subdivision 9; 171.02, subdivision 2; Laws 2002, chapter 393, section 85; Laws 2008, chapter 152, article 2, sections 1; 3, subdivision 2; article 3, sections 1; 6; 8; article 6, section 7; proposing coding for new law in Minnesota Statutes, chapters 123B; 169; 171; 174; 219; 221; repealing Minnesota Statutes 2006, sections 168B.087, subdivision 2; 169.145; 174.65; 221.011, subdivisions 24, 25, 28, 29, 38, 39, 41, 44, 45; 221.0252, subdivision 7; 221.072; 221.111; 221.121; 221.122; 221.123; 221.131, subdivisions 2a, 3; 221.141, subdivision 6; 221.151; 221.152; 221.153, subdivisions 1, 2; 221.161; 221.171; 221.172, subdivisions 3, 4, 5, 6, 7, 8; 221.296, subdivisions 3, 4, 5, 6, 7, 8.

Reported the same back with the following amendments:

Page 40, delete section 61

Renumber the sections in sequence and correct internal references

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass.

The report was adopted.

Solberg from the Committee on Ways and Means to which was referred:

H. F. No. 4075, A bill for an act relating to agriculture; providing for control of bovine tuberculosis in certain areas; appropriating money; amending Minnesota Statutes 2006, section 97A.045, subdivision 11, by adding a subdivision; Minnesota Statutes 2007 Supplement, section 35.244; proposing coding for new law in Minnesota Statutes, chapter 35.

Reported the same back with the following amendments:

Page 6, line 3, delete "\$3,160,000" and insert "\$3,350,000"

Page 6, line 11, delete "article"

Page 6, line 12, delete "9, section 3."

With the recommendation that when so amended the bill pass.

The report was adopted.

Solberg from the Committee on Ways and Means to which was referred:

S. F. No. 345, A bill for an act relating to health; providing for the medical use of marijuana; providing civil and criminal penalties; appropriating money; amending Minnesota Statutes 2006, section 13.3806, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 152.

Reported the same back with the following amendments to the unofficial engrossment:

Page 12, line 18, delete "\$379,000 for fiscal year 2008 and \$615,000" and insert "\$401,000" and delete "are" and insert "is"

With the recommendation that when so amended the bill pass.

The report was adopted.

Carlson from the Committee on Finance to which was referred:

S. F. No. 2775, A bill for an act relating to utilities; requiring notice to city when customer's heat source disconnected; amending Minnesota Statutes 2006, section 13.681, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 216B.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Carlson from the Committee on Finance to which was referred:

S. F. No. 3337, A bill for an act relating to energy; creating coordinated process for reducing greenhouse gas emissions; proposing coding for new law in Minnesota Statutes, chapter 216H.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 115.071, subdivision 1, is amended to read:

Subdivision 1. **Remedies available.** The provisions of sections 103F.701 to 103F.761, this chapter and chapters 114C, 115A, and 116, and sections 216H.10 to 216H.15, 325E.10 to 325E.1251, and 325E.32 and all rules, standards, orders, stipulation agreements, schedules of compliance, and permits adopted or issued by the agency

thereunder or under any other law now in force or hereafter enacted for the prevention, control, or abatement of pollution may be enforced by any one or any combination of the following: criminal prosecution; action to recover civil penalties; injunction; action to compel performance; or other appropriate action, in accordance with the provisions of said chapters and this section.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 2. Minnesota Statutes 2006, section 115C.04, subdivision 3, is amended to read:

Subd. 3. **Agency Cost recovery; subrogation.** Reasonable and necessary expenses incurred by the agency in taking a corrective action, including costs of investigating a release, administrative and legal expenses, and reimbursement costs described in subdivision 1, paragraph (b), may be recovered in a civil action in district court brought by the ~~attorney general~~ board against a responsible person. The agency's certification of expenses is prima facie evidence that the expenses are reasonable and necessary. If the responsible person has petroleum tank leakage or spill insurance coverage that insures against the liability provided in this section, the ~~agency~~ board is subrogated to the rights of the responsible person with respect to that insurance coverage, to the extent of the expenses incurred by the agency and described in this subdivision. The ~~agency~~ board may request the attorney general to bring an action in district court against the insurer to enforce this subrogation right. Expenses that are recovered under this section must be deposited in the fund.

Sec. 3. Minnesota Statutes 2006, section 115C.09, subdivision 3h, is amended to read:

Subd. 3h. **Reimbursement; aboveground tanks in bulk plants.** (a) As used in this subdivision, "bulk plant" means an aboveground or underground tank facility with a storage capacity of more than 1,100 gallons but less than 1,000,000 gallons that is used to dispense petroleum into cargo tanks for transportation and sale at another location.

~~(b) Notwithstanding any other provision in this chapter and any rules adopted pursuant to this chapter, the board shall reimburse 90 percent of an applicant's cost for bulk plant upgrades or closures completed between June 1, 1998, and November 1, 2003, to comply with Minnesota Rules, chapter 7151, provided that the board determines the costs were incurred and reasonable. The reimbursement may not exceed \$10,000 per bulk plant. The board may provide reimbursement under this paragraph for work completed after November 1, 2003, if the work was contracted for prior to that date and was not completed by that date as a result of an unanticipated situation, provided that an application for reimbursement under this paragraph, which may be a renewal of an application previously denied, is submitted prior to December 31, 2005.~~

~~(e) For corrective action at a bulk plant located on what is or was railroad right-of-way, the board shall reimburse 90 percent of total reimbursable costs on the first \$40,000 of reimbursable costs and 100 percent of any remaining reimbursable costs when the applicant can document that more than one bulk plant was operated on the same section of right-of-way, as determined by the commissioner of commerce.~~

Sec. 4. Minnesota Statutes 2006, section 115C.09, is amended by adding a subdivision to read:

Subd. 3k. **PVC piping at residential locations.** (a) The purpose of this subdivision is to assist homeowners who have installed PVC fill piping as part of the heating oil system at their residences, not knowing that heating oil has been shown to dissolve certain types of glue used to hold PVC piping together. Replacement of the PVC piping with metal piping is intended to avoid the catastrophic release of heating oil, as well as the ensuing cleanup costs, that can occur at residences where the PVC piping fails.

(b) As used in this subdivision:

(1) "residential locations" means a storage tank and appurtenances for heating oil that are used to heat a single-family residence; and

(2) "qualified person" means someone who is registered as a contractor under section 115C.11 and, as part of their trade or business, installs or repairs nonpressure piping, heating systems, air conditioning systems, or storage tank systems.

(c) Notwithstanding any other provision of this chapter or any rules adopted under this chapter, the board shall reimburse a qualified person 90 percent of the cost for replacing PVC fill piping with metal piping at residential locations between May 1, 2008, and September 1, 2011, provided that the board determines the costs were incurred and reasonable. The reimbursement may not exceed \$250 per residential location. The maximum expenditure from the fund may not exceed \$1,500,000.

(d) A heating oil vendor is not a responsible person for a heating oil spill inside a residential location if the spill was caused solely by the failure of a tank or appurtenance to a tank owned by the homeowner.

Sec. 5. Minnesota Statutes 2006, section 117.189, is amended to read:

117.189 PUBLIC SERVICE CORPORATION EXCEPTIONS.

Sections 117.031; ~~447.036~~; 117.055, subdivision 2, paragraph (b); 117.186; 117.187; 117.188; and 117.52, subdivisions 1a and 4, do not apply to public service corporations. For purposes of an award of appraisal fees under section 117.085, the fees awarded may not exceed \$500 for all types of property.

EFFECTIVE DATE. This section is effective August 1, 2008, and applies to eminent domain proceedings commenced on or after August 1, 2008.

Sec. 6. Minnesota Statutes 2006, section 216B.16, subdivision 7b, is amended to read:

Subd. 7b. **Transmission cost adjustment.** (a) Notwithstanding any other provision of this chapter, the commission may approve a tariff mechanism for the automatic annual adjustment of charges for the Minnesota jurisdictional costs of: (i) new transmission facilities that have been separately filed and reviewed and approved by the commission under section 216B.243 or are certified as a priority project or deemed to be a priority transmission project under section 216B.2425; and (ii) charges incurred by a utility that accrue from other transmission owners' regionally planned transmission projects that have been determined by the Midwest Independent System Operator to benefit the utility, as provided for under a federally approved tariff.

(b) Upon filing by a public utility or utilities providing transmission service, the commission may approve, reject, or modify, after notice and comment, a tariff that:

(1) allows the utility to recover on a timely basis the costs net of revenues of facilities approved under section 216B.243 or certified or deemed to be certified under section 216B.2425 or exempt from the requirements of section 216B.243;

(2) allows the charges incurred by a utility that accrue from other transmission owners' regionally planned transmission projects that have been determined by the Midwest Independent System Operator to benefit the utility, as provided for under a federally approved tariff.

~~(3)~~ (4) allows a return on investment at the level approved in the utility's last general rate case, unless a different return is found to be consistent with the public interest;

~~(3)~~ (4) provides a current return on construction work in progress, provided that recovery from Minnesota retail customers for the allowance for funds used during construction is not sought through any other mechanism;

~~(4)~~ (5) allows for recovery of other expenses if shown to promote a least-cost project option or is otherwise in the public interest;

~~(5)~~ (6) allocates project costs appropriately between wholesale and retail customers;

~~(6)~~ (7) provides a mechanism for recovery above cost, if necessary to improve the overall economics of the project or projects or is otherwise in the public interest; and

~~(7)~~ (8) terminates recovery once costs have been fully recovered or have otherwise been reflected in the utility's general rates.

(c) A public utility may file annual rate adjustments to be applied to customer bills paid under the tariff approved in paragraph (b). In its filing, the public utility shall provide:

(1) a description of and context for the facilities included for recovery;

(2) a schedule for implementation of applicable projects;

(3) the utility's costs for these projects;

(4) a description of the utility's efforts to ensure the lowest costs to ratepayers for the project; and

(5) calculations to establish that the rate adjustment is consistent with the terms of the tariff established in paragraph (b).

(d) Upon receiving a filing for a rate adjustment pursuant to the tariff established in paragraph (b), the commission shall approve the annual rate adjustments provided that, after notice and comment, the costs included for recovery through the tariff were or are expected to be prudently incurred and achieve transmission system improvements at the lowest feasible and prudent cost to ratepayers.

Sec. 7. Minnesota Statutes 2006, section 216B.1645, subdivision 1, is amended to read:

Subdivision 1. **Commission authority.** Upon the petition of a public utility, the Public Utilities Commission shall approve or disapprove power purchase contracts, investments, or expenditures entered into or made by the utility to satisfy the wind and biomass mandates contained in sections 216B.169, 216B.2423, and 216B.2424, and to satisfy the renewable energy ~~objectives~~ obligations set forth in section 216B.1691, including reasonable investments and expenditures made to:

(1) transmit the electricity generated from sources developed under those sections that is ultimately used to provide service to the utility's retail customers, including studies necessary to identify new transmission facilities needed to transmit electricity to Minnesota retail customers from generating facilities constructed to satisfy the renewable energy ~~objectives~~ obligations, provided that the costs of the studies have not been recovered previously under existing tariffs and the utility has filed an application for a certificate of need or for certification as a priority project under section 216B.2425 for the new transmission facilities identified in the studies;

(2) provide storage facilities for renewable energy generation facilities that contribute to the reliability, efficiency, or cost-effectiveness of the renewable facilities; or

~~(2)~~ (3) develop renewable energy sources from the account required in section 116C.779.

Sec. 8. Minnesota Statutes 2006, section 216B.1645, subdivision 2, is amended to read:

Subd. 2. **Cost recovery.** The expenses incurred by the utility over the duration of the approved contract or useful life of the investment and expenditures made pursuant to section 116C.779 shall be recoverable from the ratepayers of the utility, to the extent they are not offset by utility revenues attributable to the contracts, investments, or expenditures. Upon petition by a public utility, the commission shall approve or approve as modified a rate schedule providing for the automatic adjustment of charges to recover the expenses or costs approved by the commission under subdivision 1, which, in the case of transmission expenditures, are limited to the portion of actual transmission costs that are directly allocable to the need to transmit power from the renewable sources of energy. The commission may not approve recovery of the costs for that portion of the power generated from sources governed by this section that the utility sells into the wholesale market.

Sec. 9. Minnesota Statutes 2007 Supplement, section 216B.1645, subdivision 2a, is amended to read:

Subd. 2a. **Cost recovery for owned renewable facilities.** (a) A utility may petition the commission to approve a rate schedule that provides for the automatic adjustment of charges to recover prudently incurred investments, expenses, or costs associated with facilities constructed, owned, or operated by a utility to satisfy the requirements of section 216B.1691, provided those facilities were previously approved by the commission under section 216B.2422 or 216B.243, or were determined by the commission to be reasonable and prudent under section 216B.243, subdivision 9. The commission may approve, or approve as modified, a rate schedule that:

(1) allows a utility to recover directly from customers on a timely basis the costs of qualifying renewable energy projects, including:

(i) return on investment;

(ii) depreciation;

(iii) ongoing operation and maintenance costs;

(iv) taxes; and

(v) costs of transmission and other ancillary expenses directly allocable to transmitting electricity generated from a project meeting the specifications of this paragraph;

(2) provides a current return on construction work in progress, provided that recovery of these costs from Minnesota ratepayers is not sought through any other mechanism;

(3) allows recovery of other expenses incurred that are directly related to a renewable energy project, including expenses for energy storage, provided that the utility demonstrates to the commission's satisfaction that the expenses improve project economics, ensure project implementation, or facilitate coordination with the development of transmission necessary to transport energy produced by the project to market;

(4) allocates recoverable costs appropriately between wholesale and retail customers;

(5) terminates recovery when costs have been fully recovered or have otherwise been reflected in a utility's rates.

(b) A petition filed under this subdivision must include:

- (1) a description of the facilities for which costs are to be recovered;
- (2) an implementation schedule for the facilities;
- (3) the utility's costs for the facilities;
- (4) a description of the utility's efforts to ensure that costs of the facilities are reasonable and were prudently incurred; and
- (5) a description of the benefits of the project in promoting the development of renewable energy in a manner consistent with this chapter.

Sec. 10. Minnesota Statutes 2007 Supplement, section 216B.1691, subdivision 2a, is amended to read:

Subd. 2a. **Eligible energy technology standard.** (a) Except as provided in paragraph (b), each electric utility shall generate or procure sufficient electricity generated by an eligible energy technology to provide its retail customers in Minnesota, or the retail customers of a distribution utility to which the electric utility provides wholesale electric service, so that at least the following standard percentages of the electric utility's total retail electric sales to retail customers in Minnesota are generated by eligible energy technologies by the end of the year indicated:

(1)	2012	12 percent
(2)	2016	17 percent
(3)	2020	20 percent
(4)	2025	25 percent.

(b) An electric utility that owned a nuclear generating facility as of January 1, 2007, must meet the requirements of this paragraph rather than paragraph (a). An electric utility subject to this paragraph must generate or procure sufficient electricity generated by an eligible energy technology to provide its retail customers in Minnesota or the retail customer of a distribution utility to which the electric utility provides wholesale electric service so that at least the following percentages of the electric utility's total retail electric sales to retail customers in Minnesota are generated by eligible energy technologies by the end of the year indicated:

(1)	2010	15 percent
(2)	2012	18 percent
(3)	2016	25 percent
(4)	2020	30 percent.

Of the 30 percent in 2020, at least 25 percent must be generated by wind energy conversion systems and the remaining five percent by other eligible energy technology.

(c) By the end of the year 2012, at least 0.0125 percent of the electricity required by paragraphs (a) and (b) to be generated by each electric utility must be generated by solar energy. At least 60 percent of the required solar energy electric generation by each utility must be distributed solar generated at a customer's site with customer-owned facilities. For the purposes of this paragraph, "distributed solar" means solar electric equipment that meets the requirements of section 216C.25 with a total peak generating capacity of 100 kilowatts or less used for generating electricity primarily for use in a residential property or small business, as defined by section 645.445, to reduce the effective electric load for that residence or business. An electric utility that generates less than 60 percent of its required solar energy electric generation with customer-owned distributed solar must demonstrate that reasonable efforts were made to achieve sufficient customer participation in a timely manner.

Sec. 11. Minnesota Statutes 2007 Supplement, section 216B.2411, subdivision 1, is amended to read:

Subdivision 1. **Generation projects.** (a) Any municipality or rural electric association providing electric service and subject to section 216B.241 ~~that is meeting the objectives under section 216B.1691~~ may, and each public utility may, use five percent of the total amount to be spent on energy conservation improvements under section 216B.241, on:

(1) projects in Minnesota to construct an electric generating facility that utilizes eligible renewable energy sources as defined in subdivision 2, such as methane or other combustible gases derived from the processing of plant or animal wastes, biomass fuels such as short-rotation woody or fibrous agricultural crops, or other renewable fuel, as its primary fuel source; ~~or~~

(2) projects in Minnesota to install a distributed generation facility of ten megawatts or less of interconnected capacity that is fueled by natural gas, renewable fuels, or another similarly clean fuel; or

(3) installing a qualifying solar energy project as defined in subdivision 2.

(b) For public utilities, as defined under section 216B.02, subdivision 4, projects under this section must be considered energy conservation improvements as defined in section 216B.241. For cooperative electric associations and municipal utilities, projects under this section must be considered load-management activities described in section 216B.241, subdivision 1.

Sec. 12. Minnesota Statutes 2006, section 216B.2411, subdivision 2, is amended to read:

Subd. 2. **Definitions.** (a) For the purposes of this section, the terms defined in this subdivision and section 216B.241, subdivision 1, have the meanings given them.

(b) "Eligible renewable energy sources" means fuels and technologies to generate electricity through the use of any of the resources listed in section 216B.1691, subdivision 1, paragraph (a), clause (1), except that ~~the term~~ "biomass" has the meaning provided under paragraph (c), and "solar" must meet the definition of a qualified solar energy project under paragraph (d).

(c) "Biomass" includes:

- (1) methane or other combustible gases derived from the processing of plant or animal material;
- (2) alternative fuels derived from soybean and other agricultural plant oils or animal fats;
- (3) combustion of barley hulls, corn, soy-based products, or other agricultural products;
- (4) wood residue from the wood products industry in Minnesota or other wood products such as short-rotation woody or fibrous agricultural crops; and
- (5) landfill gas, mixed municipal solid waste, and refuse-derived fuel from mixed municipal solid waste.

(d) "Qualifying solar energy project" means a qualifying solar thermal project or qualifying solar electric project.

(e) "Qualifying solar thermal project" means a flat plate or evacuated tube that meets the requirements of section 216C.25 with a fixed orientation that collects the sun's radiant energy and transfers it to a storage medium for distribution as energy to heat or cool air or water, but does not include equipment used to heat water at a residential property (1) for domestic use if less than one-half of the energy used for that purpose is derived from the sun or (2) for use in a hot tub or swimming pool.

(f) "Qualifying solar electric project" means solar electric equipment that meets the requirements of section 216C.25 with a total peak generating capacity of 100 kilowatts or less used for generating electricity primarily for use in a residential property or small business to reduce the effective electric load for that residence or small business.

(g) "Residential property" means the principal residence used by the homeowner at the time the solar equipment is placed in service.

(h) "Small business" has the meaning given to it in section 645.445.

Sec. 13. Minnesota Statutes 2006, section 216B.2411, is amended by adding a subdivision to read:

Subd. 4. **Qualifying solar energy project.** (a) A utility subject to section 216B.241 may include in its conservation plan programs for the installation of qualifying solar energy projects as provided in this section. Qualifying solar energy projects must meet or exceed cost-effectiveness and other guidelines to be developed by order of the commissioner. Energy savings from qualifying solar energy projects may not be counted toward the minimum energy savings goal of at least one percent for energy conservation improvements required under section 216B.241, subdivision 1c, but may, as the commissioner determines appropriate:

(1) be counted above that minimum percentage; and

(2) be considered when establishing performance incentives under section 216B.241, subdivision 2c.

(b) Qualifying solar energy projects may not be considered when establishing demand-side management targets under sections 216B.2422, 216B.243, or any other section of this chapter.

Sec. 14. Minnesota Statutes 2006, section 216B.243, is amended by adding a subdivision to read:

Subd. 9. **Renewable energy standard facilities.** The requirements of this section do not apply to a wind energy conversion system or a solar electric generation facility that is intended to be used to meet or exceed the obligations of section 216B.1691; provided that, after notice and comment, the commission determines that the facility is a reasonable and prudent approach to meeting a utility's obligations under that section. When making this determination, the commission may consider the size of the facility relative to a utility's total need for renewable resources and alternative approaches for supplying the renewable energy to be supplied by the proposed facility, and must consider the facility's ability to promote economic development, as required under section 216B.1691, subdivision 9, maintain electric system reliability and consider impacts on ratepayers, and other criteria as the commission may determine are relevant.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 15. Minnesota Statutes 2006, section 216E.03, is amended by adding a subdivision to read:

Subd. 3a. **Project notice.** At least 120 days before filing an application with the commission, the applicant shall provide notice to each local unit of government within which a route may be proposed. The notice must describe the proposed project and the opportunity for a preapplication consultation meeting with local units of government as provided in subdivision 3b.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 16. Minnesota Statutes 2006, section 216E.03, is amended by adding a subdivision to read:

Subd. 3b. **Preapplication consultation meetings.** Within 30 days of receiving a project notice, local units of government may request the applicant hold a consultation meeting with local units of government. Upon receiving notice from a local unit of government requesting a preapplication consultation meeting, the applicant shall arrange the meeting at a location chosen by the local unit of government.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 17. Minnesota Statutes 2006, section 216E.03, subdivision 4, is amended to read:

Subd. 4. ~~**Notice of Application notice.**~~ Within 15 days after submission of an application to the commission, the applicant shall publish notice of the application in a legal newspaper of general circulation in each county in which the site or route is proposed and send a copy of the application by certified mail to any regional development commission, county, incorporated municipality, and ~~township~~ town in which any part of the site or route is proposed. Within the same 15 days, the applicant shall also send a notice of the submission of the application and description of the proposed project to each owner whose property is on or adjacent to any of the proposed sites for the power plant or along any of the proposed routes for the transmission line. The notice ~~shall~~ must identify a location where a copy of the application can be reviewed. For the purpose of giving mailed notice under this subdivision, owners ~~shall be~~ are those shown on the records of the county auditor or, in any county where tax statements are mailed by the county treasurer, on the records of the county treasurer; but other appropriate records may be used for this purpose. The failure to give mailed notice to a property owner, or defects in the notice, ~~shall~~ does not invalidate the proceedings, provided a bona fide attempt to comply with this subdivision has been made. Within the same 15 days, the applicant shall also send the same notice of the submission of the application and description of the proposed project to those persons who have requested to be placed on a list maintained by the commission for receiving notice of proposed large electric generating power plants and high voltage transmission lines.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 18. **[216F.09] WECS AGGREGATION PROGRAM.**

Subdivision 1. **Program established.** The entity selected to provide rural wind development assistance under Laws 2007, chapter 57, article 2, section 3, subdivision 6, shall also establish a wind energy conversion system (WECS) aggregation program. The purpose of the program is to create a clearinghouse to coordinate and arrange umbrella sales arrangements for groups of individuals, farmstead property owners, farmers' cooperative associations, community-based energy project developers, school districts, and other political subdivisions to aggregate small-volume purchases, as a group, in order to place large orders for wind energy conversion systems with WECS manufacturers.

Subd. 2. **Responsibilities.** The entity shall:

(1) provide application procedures for participation in the program;

(2) set minimum standards for wind energy conversion systems to be considered for purchase through the program, which may include price, quality and installation standards, timely delivery schedules and arrangements, performance and reliability ratings, and any other factors considered necessary or desirable for participants;

(3) set eligibility considerations and requirements for purchasers, including availability to the applicant of land authorized for installation and use of WECS, likelihood of a permit being approved by the commission or a county under this chapter, documentation of adequate financing, and other necessary or usual financial or business practices or requirements;

(4) provide a minimal framework for soliciting or contacting manufacturers on behalf of participants; and

(5) coordinate purchase agreements between the manufacturer and participants.

Subd. 3. **Report.** By February 1 of 2009, and each year thereafter, the commissioner of commerce shall submit a report to the chairs and ranking minority members of the senate and house of representatives committees with primary jurisdiction over energy policy on the activities and results of the program, including the number of participants and the number of purchases made.

Subd. 4. **Assessment; appropriation.** Annual costs of the program, up to \$100,000, must be assessed under section 216C.052, subdivision 2, paragraph (c), clause (1). The assessment is appropriated to the commissioner of commerce to be used by the director of the Office of Energy Security for a grant to the entity to carry out the purposes of this section.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 19. **[216H.07] GREENHOUSE GAS EMISSION REDUCTION ATTAINMENT; POLICY DEVELOPMENT PROCESS.**

Subdivision 1. **Definition.** For the purpose of this section, "reductions" means the greenhouse gas emissions reductions goals specified in section 216H.02, subdivision 1.

Subd. 2. **Purpose.** This section is intended to create a nonexclusive, regular, mandated process for the state to develop policies to attain the greenhouse gas reduction goals specified in section 216H.02.

Subd. 3. **Biennial reduction progress report.** By November 1 of each even-numbered year, the commissioners of commerce and the Pollution Control Agency shall jointly report to the chairs and ranking minority members of the legislative committees with primary policy jurisdiction over energy and environmental issues the most recent and best available evidence identifying the level of reductions already achieved and the level necessary to achieve the reduction goals established in section 216H.02. The report must be written in easily understood, nontechnical language.

Subd. 4. **Annual legislative proposal.** The commissioners of commerce and the Pollution Control Agency shall annually by November 1 provide to the chairs and ranking minority members of the legislative committees with primary policy jurisdiction over energy and environmental issues proposed legislation the commissioners determine appropriate to achieve the reductions. If the commissioners determine no legislation is appropriate, they shall report that determination to the chairs along with an explanation of the determination.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 20. **[216H.10] DEFINITIONS.**

Subdivision 1. **Applicability.** For purposes of sections 216H.10 to 216H.15, the following terms have the meanings given.

Subd. 2. **Agency.** "Agency" means the Pollution Control Agency.

Subd. 3. **Carbon dioxide equivalent.** "Carbon dioxide equivalent" means the quantity of carbon dioxide that has the same global warming potential as a given amount of another greenhouse gas.

Subd. 4. **Commissioner.** "Commissioner" means the commissioner of the Pollution Control Agency.

Subd. 5. **Global warming.** "Global warming" means the observed and predicted increase in the temperature of the atmosphere near the earth's surface and the oceans.

Subd. 6. **Global warming potential or GWP.** "Global warming potential" or "GWP" means a quantitative measure of the potential of an emission of a greenhouse gas to contribute to global warming over a 100-year period expressed in terms of the equivalent emission of carbon dioxide needed to produce the same 100-year warming effect, as reported in Fourth Assessment Report: Climate Change 2007, International Panel on Climate Change.

Subd. 7. **High-GWP greenhouse gas.** "High-GWP greenhouse gas" means hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

Subd. 8. **Mobile air conditioner.** "Mobile air conditioner" means mechanical vapor compression refrigeration equipment used to cool the passenger compartment of a motor vehicle.

Subd. 9. **Motor vehicle.** "Motor vehicle" has the meaning given in section 168.011, subdivision 4.

Subd. 10. **New motor vehicle.** "New motor vehicle" has the meaning given in section 80E.03, subdivision 7.

Subd. 11. **Refrigerant.** "Refrigerant" means a substance used, sold for use, or designed and intended for use in a mobile air conditioner to transfer heat out of the space being cooled.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 21. **[216H.11] HIGH-GWP GREENHOUSE GAS REPORTING.**

Subdivision 1. **Gas manufacturers.** Beginning October 1, 2008, and each year thereafter, a manufacturer of a high-GWP greenhouse gas must report to the agency the total amount of each high-GWP greenhouse gas sold to a purchaser in this state during the previous year.

Subd. 2. **Purchases.** Beginning October 1, 2008, and each year thereafter, a person in this state who purchases 100 metric tons or more carbon dioxide equivalent of a high-GWP greenhouse gas must report to the agency, on a form prescribed by the commissioner, the total amount of each high-GWP greenhouse gas purchased during the previous year and the purpose for which the gas was used.

Subd. 3. **Acceptance of federal filing.** With the approval of the commissioner, this section may be satisfied by filing with the commissioner a copy of a greenhouse gas emissions report filed with a federal agency.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 22. **[216H.12] MOBILE AIR CONDITIONER LEAKAGE RATES; DISCLOSURE.**

Subdivision 1. **Leakage disclosure.** Beginning January 1, 2009, a manufacturer selling or offering for sale a new motor vehicle in this state containing a mobile air conditioner that uses the high-GWP greenhouse gas HFC-134a (1,1,1,2-tetrafluoroethane) as a refrigerant must, 90 days prior to the initial sale or offer for sale, report to the commissioner the leakage rate, in grams of refrigerant per year, for the type of mobile air conditioner contained in that make, model, and model year. The leakage rate must be calculated using the information provided in the most

recently published version of the Society of Automotive Engineers International document J2727, "HFC-134a Mobile Air Conditioning System Emission Chart." The method by which the leakage rate is calculated, accounting for each component of the air conditioning unit, must also be reported to the commissioner.

Subd. 2. **Posting.** Beginning January 1, 2009, the agency and the Office of the Attorney General must post on their Web sites:

(1) the leakage rate disclosed by a manufacturer under subdivision 1 for each model and make of new motor vehicle sold or offered for sale in this state; and

(2) the following statement: "Vehicle air conditioning systems may leak refrigerants. Information provided in the chart compares the potential global warming effects of refrigerant leakage from different makes and models of vehicles."

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 23. **[216H.14] MOBILE AIR CONDITIONER REFRIGERANT; RESTRICTION.**

After July 1, 2008, no person may buy or sell a refrigerant designed to be used in a mobile air conditioner in a container holding less than 15 pounds of refrigerant.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 24. **[216H.15] ENFORCEMENT.**

Sections 216H.10 to 216H.14 may be enforced under sections 115.071 and 116.072.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 25. **REPORT.**

By February 1, 2009, the commissioner of the Pollution Control Agency shall submit a report to the chairs and ranking minority members of the senate and house of representatives committees with primary jurisdiction over environmental policy that identifies the uses and emissions sources of hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride in this state and suggests options for reducing or eliminating those uses and emissions and the costs of implementing those options.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 26. **ENERGY CONSERVATION PILOT PROJECT; STRATEGIC TREE PLANTING.**

(a) From July 1, 2008, through June 30, 2009, the Public Utilities Commission and the commissioner of commerce shall treat the strategic planting of trees and shrubs on property of a retail customer provided electric or gas service by a public utility, municipal utility, or cooperative electric association subject to Minnesota Statutes, section 216B.241, as promoting energy efficiency and eligible for direct expenditures and expense recovery under that statute as an energy conservation improvement.

(b) For purposes of this section, "strategic" refers to the placement of trees and shrubs to obtain the most advantageous impact on energy conservation for a retail customer facility, including but not limited to shelter belt protection and heat dissipation.

EFFECTIVE DATE. This section is effective July 1, 2008.

Sec. 27. **SOLAR RATING AND CERTIFICATION LABORATORY.**

The director of the Office of Energy Security shall convene technical stakeholders who are expert in the design, manufacture, installation, and operation of solar energy systems to develop criteria and characteristics for a Minnesota-based solar rating and certification laboratory. The criteria shall include, but not be limited to, consideration of durability, cold-weather operations, and indoor air quality. The director shall develop and, by September 15, 2008, issue a request for proposals for the development of a plan, based on the criteria and characteristics developed by the stakeholder group, for a solar rating and certification laboratory in the state, including cost estimates. By January 15, 2009, the director shall submit a report to the chairs of the house and senate committees with jurisdiction over energy finance issues, detailing the responses to the request and making recommendations, including draft legislation.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 28. **REPEALER.**

Minnesota Statutes 2006, section 115C.09, subdivision 3j, is repealed.

EFFECTIVE DATE. This section is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to energy; providing for enforcement of violations of provisions pertaining to gases with high global warming potential; modifying Petrofund program; modifying cost recovery provisions for electric transmission and renewable energy facilities; requiring a certain proportion of solar-generated electricity under a utility's renewable energy standard; providing that certain eminent domain appraisal and negotiation requirements apply to public service corporations; allowing utilities to fund certain solar energy products under the conservation improvement program; exempting certain wind and solar projects from the requirement to obtain a certificate of need; modifying and adding provisions relating to notice to and meetings with local units of government for siting large electric generating plant or high-voltage transmission line; creating a wind project aggregation program; requiring reporting of emissions or leakage of greenhouse gases with high global warming potential; prohibiting sale of certain refrigerants; requiring reports on reducing greenhouse gas emissions; requiring development of plan for solar rating and certification laboratory; initiating a pilot project allowing the Public Utilities Commission to treat strategic tree planting as an energy conservation improvement; appropriating money; amending Minnesota Statutes 2006, sections 115.071, subdivision 1; 115C.04, subdivision 3; 115C.09, subdivision 3h, by adding a subdivision; 117.189; 216B.16, subdivision 7b; 216B.1645, subdivisions 1, 2; 216B.2411, subdivision 2, by adding a subdivision; 216B.243, by adding a subdivision; 216E.03, subdivision 4, by adding subdivisions; Minnesota Statutes 2007 Supplement, sections 216B.1645, subdivision 2a; 216B.1691, subdivision 2a; 216B.2411, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 216F; 216H; repealing Minnesota Statutes 2006, section 115C.09, subdivision 3j."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Ways and Means.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 3280, 3349, 3490, 3558, 3706, 3800 and 4075 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 2967, 2988, 3331, 3441, 3780, 345 and 2775 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Solberg introduced:

H. F. No. 4194, A bill for an act relating to natural resources; providing for the outdoor heritage fund; proposing coding for new law in Minnesota Statutes, chapter 97A.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Marquart introduced:

H. F. No. 4195, A bill for an act relating to the Office of the Secretary of State; establishing a health care directive registry; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 5.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Morrow, Norton, Lieder, Haws, Swails, Wollschlager, Tillberry, Bigham, Knuth, Hosch, Tschumper and Erhardt introduced:

H. F. No. 4196, A bill for an act relating to education finance; modifying the school finance system; creating a new education funding framework; amending Minnesota Statutes 2006, sections 123B.53, subdivision 5; 123B.57, subdivision 4; 123B.59, subdivision 1; 123B.591, subdivisions 2, 3; 124D.59, subdivision 2; 124D.65, subdivision 5; 125A.79, subdivision 7; 126C.01, by adding subdivisions; 126C.05, subdivisions 3, 5, 6, 8, 16, 17; 126C.10, subdivisions 1, 2a, 3, 4, 6, 13, 18, by adding subdivisions; 126C.13, subdivision 5; 126C.17, subdivision 1; 126C.20; 126C.40, subdivision 1; Minnesota Statutes 2007 Supplement, sections 125A.76, subdivision 5; 126C.05, subdivision 1; 126C.10, subdivision 2; 126C.13, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 123B; 126C; repealing Minnesota Statutes 2006, sections 126C.10, subdivisions 13a, 13b, 25, 26, 27, 28, 29, 30, 31, 31a, 31b, 32, 33, 35, 36; 126C.12; 127A.50; Minnesota Statutes 2007 Supplement, sections 123B.54; 125A.76, subdivision 4; 125A.79, subdivision 6; 126C.10, subdivisions 2b, 24, 34; 126C.126.

The bill was read for the first time and referred to the Committee on Finance.

Haws introduced:

H. F. No. 4197, A bill for an act relating to motor vehicles; authorizing education license plates; proposing coding for new law in Minnesota Statutes, chapter 168.

The bill was read for the first time and referred to the Committee on Finance.

Cornish introduced:

H. F. No. 4198, A bill for an act relating to public safety; rescinding the authority granted to postsecondary institutions to establish policy regarding the carrying and possession of firearms by students on public postsecondary institution property; amending Minnesota Statutes 2006, section 624.714, subdivision 18.

The bill was read for the first time and referred to the Committee on Public Safety and Civil Justice.

Mahoney and Lesch introduced:

H. F. No. 4199, A bill for an act relating to local government; authorizing collection of delinquent vacant building registration fees as special assessment; amending Minnesota Statutes 2006, section 429.101, subdivision 1.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Drazkowski introduced:

H. F. No. 4200, A bill for an act relating to human services; increasing payment rates for nursing facilities in Goodhue County; amending Minnesota Statutes 2006, section 256B.441, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Finance.

Bunn introduced:

H. F. No. 4201, A bill for an act relating to taxation; property; changing the number of years for vacant platted land to be valued at market value in the metropolitan counties; modifying the phase-in for certain vacant platted land in the metropolitan counties; amending Minnesota Statutes 2006, section 273.11, by adding subdivisions; repealing Minnesota Statutes 2006, section 273.11, subdivision 14a.

The bill was read for the first time and referred to the Committee on Taxes.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Madam Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 3391, A bill for an act relating to health care reform; increasing affordability and continuity of care for state health care programs; modifying health care provisions; providing subsidies for employee share of employer-subsidized insurance in certain cases; establishing the Health Care Transformation Commission; creating an affordability standard; implementing a statewide health improvement program; requiring an evaluation of mandated health benefits; requiring a payment system to encourage provider innovation; requiring studies and reports; appropriating money; amending Minnesota Statutes 2006, sections 62Q.025, by adding a subdivision; 256.01, subdivision 18; 256B.056, by adding a subdivision; 256B.057, subdivision 8; 256B.69, by adding a subdivision; 256L.05, by adding a subdivision; 256L.06, subdivision 3; 256L.07, subdivision 3, by adding a subdivision; 256L.15, by adding a subdivision; Minnesota Statutes 2007 Supplement, sections 256.01, subdivision 2b; 256B.056, subdivision 10; 256L.03, subdivisions 3, 5; 256L.04, subdivisions 1, 7; 256L.05, subdivision 3a; 256L.07, subdivision 1; 256L.15, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 145; 256B; proposing coding for new law as Minnesota Statutes, chapter 62U; repealing Minnesota Statutes 2006, section 256L.15, subdivision 3.

The Senate has appointed as such committee:

Senators Berglin, Lynch, Lourey, Sheran and Rosen.

Said House File is herewith returned to the House.

COLLEEN J. PACHECO, Second Assistant Secretary of the Senate

Madam Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

H. F. No. 3477, A bill for an act relating to manufactured housing; providing for regulation of lending practices and default; providing notices and remedies; amending Minnesota Statutes 2006, sections 327.64, subdivision 2; 327.65; 327.66; 327B.01, by adding subdivisions; 327B.08, by adding a subdivision; 327B.09, by adding a subdivision; 327B.12; proposing coding for new law in Minnesota Statutes, chapters 327; 327B.

COLLEEN J. PACHECO, Second Assistant Secretary of the Senate

Gardner moved that the House refuse to concur in the Senate amendments to H. F. No. 3477, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Madam Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 2204 and 3069.

COLLEEN J. PACHECO, Second Assistant Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 2204, A bill for an act relating to motor vehicles; allowing multiple sets of plates for physically disabled persons; amending Minnesota Statutes 2006, section 168.021, subdivisions 1, 2.

The bill was read for the first time and referred to the Transportation Finance Division.

S. F. No. 3069, A bill for an act relating to motor vehicles; requiring commissioner of public safety to issue special 2008 U.S. Women's Open temporary permits.

The bill was read for the first time.

Madore moved that S. F. No. 3069 and H. F. No. 3558, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

CALENDAR FOR THE DAY

S. F. No. 3474, A bill for an act relating to Rock County; providing a process for making certain offices appointive in Rock County.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 106 yeas and 22 nays as follows:

Those who voted in the affirmative were:

Abeler	Dittrich	Hornstein	Madore	Ozment	Swails
Anderson, S.	Dominguez	Hortman	Magnus	Paulsen	Thao
Anzalc	Drazkowski	Hosch	Mahoney	Pelowski	Thissen
Atkins	Eken	Howes	Mariani	Peterson, A.	Tillberry
Beard	Erhardt	Huntley	Masin	Peterson, N.	Tingelstad
Benson	Fritz	Jaros	McFarlane	Peterson, S.	Tschumper
Berns	Gardner	Johnson	McNamara	Poppe	Urdahl
Bigham	Garofalo	Kahn	Moe	Ruth	Wagenius
Bly	Gottwalt	Knuth	Morgan	Ruud	Walker
Brown	Greiling	Koenen	Morrow	Sailer	Ward
Brynaert	Gunther	Kohls	Mullery	Scalze	Wardlow
Bunn	Hamilton	Kranz	Murphy, E.	Sertich	Welti
Carlson	Hausman	Laine	Murphy, M.	Severson	Winkler
Cornish	Haws	Lanning	Nelson	Shimanski	Wollschlager
Davnie	Heidgerken	Lenczewski	Nornes	Simon	Zellers
DeLaForest	Hilstrom	Liebling	Norton	Simpson	Spk. Kelliher
Demmer	Holberg	Lieder	Olin	Slocum	
Dettmer	Hoppe	Loeffler	Otremba	Solberg	

Those who voted in the negative were:

Anderson, B.	Eastlund	Finstad	Juhnke	Olson	Seifert
Brod	Emmer	Hackbarth	Kalin	Paymar	Smith
Buesgens	Erickson	Hansen	Lillie	Peppin	
Doty	Faust	Hilty	Marquart	Rukavina	

The bill was passed and its title agreed to.

H. F. No. 3577, A bill for an act relating to counties; providing a process for making certain county offices appointive in Houston County.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 92 yeas and 37 nays as follows:

Those who voted in the affirmative were:

Abeler	Dominguez	Howes	Mahoney	Peterson, A.	Thissen
Anzelc	Erhardt	Huntley	Mariani	Peterson, N.	Tillberry
Atkins	Fritz	Jaros	Masin	Peterson, S.	Tingelstad
Beard	Gardner	Johnson	McFarlane	Poppe	Tschumper
Benson	Garofalo	Kahn	McNamara	Ruth	Urdahl
Berns	Greiling	Knuth	Moe	Ruud	Wagenius
Bigham	Gunther	Koenen	Morgan	Sailer	Walker
Bly	Hamilton	Kohls	Morrow	Scalze	Wardlow
Brown	Hausman	Kranz	Mullery	Sertich	Welti
Brynaert	Haws	Laine	Murphy, E.	Simon	Winkler
Bunn	Heidgerken	Lanning	Murphy, M.	Simpson	Wollschlager
Carlson	Hilstrom	Lenczewski	Nelson	Slawik	Spk. Kelliher
Davnie	Hoppe	Liebling	Norton	Slocum	
DeLaForest	Hornstein	Lieder	Olin	Solberg	
Demmer	Hortman	Loeffler	Ozment	Swails	
Dittrich	Hosch	Madore	Pelowski	Thao	

Those who voted in the negative were:

Anderson, B.	Drazkowski	Hackbarth	Magnus	Peppin	Westrom
Anderson, S.	Eastlund	Hansen	Marquart	Rukavina	Zellers
Brod	Emmer	Hilty	Nornes	Seifert	
Buesgens	Erickson	Holberg	Olson	Severson	
Cornish	Faust	Juhnke	Otremba	Shimanski	
Dettmer	Finstad	Kalin	Paulsen	Smith	
Doty	Gottwalt	Lillie	Paymar	Ward	

The bill was passed and its title agreed to.

S. F. No. 2930, A bill for an act relating to commerce; regulating debt management services; repealing an obsolete criminal provision; amending Minnesota Statutes 2007 Supplement, sections 332A.02, subdivision 2; 332A.04, subdivisions 1, 2, 4; 332A.06; 332A.10, subdivision 5; 332A.12, by adding a subdivision; 332A.13, subdivision 8; repealing Minnesota Statutes 2006, section 609B.163.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dominguez	Hilstrom	Lieder	Otremba	Slocum
Anderson, B.	Doty	Hilty	Lillie	Ozment	Smith
Anderson, S.	Drazkowski	Holberg	Loeffler	Paulsen	Solberg
Anzelc	Eastlund	Hoppe	Madore	Paymar	Swails
Atkins	Eken	Hornstein	Magnus	Pelowski	Thao
Beard	Emmer	Hortman	Mahoney	Peppin	Thissen
Benson	Erhardt	Hosch	Mariani	Peterson, A.	Tillberry
Berns	Erickson	Howes	Marquart	Peterson, N.	Tingelstad
Bigham	Faust	Huntley	Masin	Peterson, S.	Tschumper
Bly	Finstad	Jaros	McFarlane	Poppe	Urdahl
Brod	Fritz	Johnson	McNamara	Rukavina	Wagenius
Brown	Gardner	Juhnke	Moe	Ruth	Walker
Brynaert	Garofalo	Kahn	Morgan	Ruud	Ward
Buesgens	Gottwalt	Kalin	Morrow	Sailer	Wardlow
Bunn	Greiling	Knuth	Mullery	Scalze	Walti
Carlson	Gunther	Koenen	Murphy, E.	Seifert	Westrom
Cornish	Hackbarth	Kohls	Murphy, M.	Sertich	Winkler
Davnie	Hamilton	Kranz	Nelson	Severson	Wollschlager
DeLaForest	Hansen	Laine	Nornes	Shimanski	Zellers
Demmer	Hausman	Lanning	Norton	Simon	Spk. Kelliher
Dettmer	Haws	Lenczewski	Olin	Simpson	
Dittrich	Heidgerken	Liebling	Olson	Slawik	

The bill was passed and its title agreed to.

S. F. No. 2642 was reported to the House.

Simon moved to amend S. F. No. 2642, the second engrossment, as follows:

Page 3, line 13, delete everything after "Apprehension"

Page 3, delete line 14

Page 3, line 15, delete "public safety"

The motion prevailed and the amendment was adopted.

Kohls moved to amend S. F. No. 2642, the second engrossment, as amended, as follows:

Page 3, after line 24, insert:

"Sec. 4. **[5B.09] REPORT TO LEGISLATURE.**

The secretary of state shall annually report to the chairs of the legislative committees having jurisdiction over government data practices and public safety stating the number of persons participating in the safe at home program during the previous calendar year. The report must be submitted annually by February 1."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

S. F. No. 2642, A bill for an act relating to data practices; modifying provisions of the safe at home program; amending Minnesota Statutes 2006, sections 5B.02; 5B.03, subdivision 1; 5B.07; 13.805, subdivision 2; 171.06, subdivision 3; 171.07, subdivisions 1, 3.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dominguez	Hilstrom	Lieder	Otremba	Slocum
Anderson, B.	Doty	Hilty	Lillie	Ozment	Smith
Anderson, S.	Drazkowski	Holberg	Loeffler	Paulsen	Solberg
Anzelc	Eastlund	Hoppe	Madore	Paymar	Swails
Atkins	Eken	Hornstein	Magnus	Pelowski	Thao
Beard	Emmer	Hortman	Mahoney	Peppin	Thissen
Benson	Erhardt	Hosch	Mariani	Peterson, A.	Tillberry
Berns	Erickson	Howes	Marquart	Peterson, N.	Tingelstad
Bigham	Faust	Huntley	Masin	Peterson, S.	Tschumper
Bly	Finstad	Jaros	McFarlane	Poppe	Urdahl
Brod	Fritz	Johnson	McNamara	Rukavina	Wagenius
Brown	Gardner	Juhnke	Moe	Ruth	Walker
Brynaert	Garofalo	Kahn	Morgan	Ruud	Ward
Buesgens	Gottwalt	Kalin	Morrow	Sailer	Wardlow
Bunn	Greiling	Knuth	Mullery	Scalze	Welti
Carlson	Gunther	Koenen	Murphy, E.	Seifert	Westrom
Cornish	Hackbarth	Kohls	Murphy, M.	Sertich	Winkler
Davnie	Hamilton	Kranz	Nelson	Severson	Wollschlager
DeLaForest	Hansen	Laine	Nornes	Shimanski	Zellers
Demmer	Hausman	Lanning	Norton	Simon	Spk. Kelliher
Dettmer	Haws	Lenczewski	Olin	Simpson	
Dittrich	Heidgerken	Liebling	Olson	Slawik	

The bill was passed, as amended, and its title agreed to.

S. F. No. 2605 was reported to the House.

Peterson, S., moved to amend S. F. No. 2605, the first engrossment, as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 2662, the first engrossment:

"Section 1. Minnesota Statutes 2006, section 473.123, subdivision 2a, is amended to read:

Subd. 2a. **Terms.** Following each apportionment of council districts, as provided under subdivision 3a, council members must be appointed from newly drawn districts as provided in subdivision 3a. Each council member, other than the chair, must reside in the council district represented. Each council district must be represented by one member of the council. ~~The terms of members end with the term of the governor.~~ Members serve four-year terms, except that all terms expire on the effective date of the next apportionment. Half of the initial appointments following each apportionment are for two-year terms, with the members from odd-numbered districts serving initial terms of two years and the members from even-numbered districts serving initial terms of four years in odd-numbered decades. In even-numbered decades, the members from even-numbered districts serve initial terms of two years and the members from odd-numbered districts serve initial terms of four years. A member may only be removed for cause. ~~A member serves at the pleasure of the governor.~~—A member shall continue to serve the member's district until a successor is appointed and qualified; except that, following each apportionment, the member shall continue to serve at large until the governor appoints 16 council members, one from each of the newly drawn council districts as provided under subdivision 3a, to serve terms as provided under this section. The appointment to the council must be made by the first Monday in March of the year in which the term ends.

Sec. 2. **EFFECTIVE DATE; APPLICATION.**

Section 1 is effective the day following final enactment and applies to the terms of council members on and after the effective date of the next reapportionment of council districts in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington."

The motion prevailed and the amendment was adopted.

Beard was excused between the hours of 10:45 a.m. and 2:10 p.m.

Abeler moved to amend S. F. No. 2605, the first engrossment, as amended, as follows:

Page 1, line 19, delete "A member may only be removed for cause" and reinstate the stricken language

Page 1, line 20, reinstate the stricken language

A roll call was requested and properly seconded.

The question was taken on the Abeler amendment and the roll was called. There were 47 yeas and 81 nays as follows:

Those who voted in the affirmative were:

Abeler	Berns	Buesgens	Demmer	Eastlund	Finstad
Anderson, B.	Bly	Cornish	Dettmer	Emmer	Gardner
Anderson, S.	Brod	DeLaForest	Drazkowski	Erickson	Garofalo

Gottwalt	Heidgerken	Kranz	Olson	Severson	Urdahl
Gunther	Holberg	Magnus	Paulsen	Shimanski	Wardlow
Hackbarth	Hoppe	McNamara	Peppin	Simpson	Westrom
Hamilton	Howes	Morgan	Ruth	Smith	Zellers
Hansen	Kohls	Nornes	Seifert	Tingelstad	

Those who voted in the negative were:

Anzelc	Erhardt	Kahn	Marquart	Peterson, A.	Thao
Atkins	Faust	Kalin	Masin	Peterson, N.	Thissen
Benson	Fritz	Knuth	Moe	Peterson, S.	Tillberry
Bigham	Greiling	Koenen	Morrow	Poppe	Tschumper
Brown	Haws	Laine	Mullery	Rukavina	Wagenius
Brynaert	Hilstrom	Lanning	Murphy, E.	Ruud	Walker
Bunn	Hilty	Lenczewski	Murphy, M.	Sailer	Ward
Carlson	Hornstein	Liebling	Nelson	Scalze	Welti
Davnie	Hortman	Lieder	Norton	Sertich	Winkler
Dill	Hosch	Lillie	Olin	Simon	Wollschlager
Dittrich	Huntley	Loeffler	Otremba	Slawik	Spk. Kelliher
Dominguez	Jaros	Madore	Ozment	Slocum	
Doty	Johnson	Mahoney	Paymar	Solberg	
Eken	Juhnke	Mariani	Pelowski	Swails	

The motion did not prevail and the amendment was not adopted.

Zellers offered an amendment to S. F. No. 2605, the first engrossment, as amended.

POINT OF ORDER

Lenczewski raised a point of order pursuant to rule 3.21 that the Zellers amendment was not in order. Speaker pro tempore Juhnke ruled the point of order well taken and the Zellers amendment out of order.

Seifert appealed the decision of Speaker pro tempore Juhnke.

A roll call was requested and properly seconded.

CALL OF THE HOUSE

On the motion of Emmer and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Abeler	Bigham	Carlson	Dittrich	Erhardt	Gottwalt
Anderson, B.	Bly	Cornish	Dominguez	Erickson	Greiling
Anderson, S.	Brod	Davnie	Doty	Faust	Gunther
Anzelc	Brown	DeLaForest	Drazkowski	Finstad	Hackbarth
Atkins	Brynaert	Demmer	Eastlund	Fritz	Hamilton
Benson	Buesgens	Dettmer	Eken	Gardner	Hansen
Berns	Bunn	Dill	Emmer	Garofalo	Hausman

Heidgerken	Koenen	Mariani	Olson	Scalze	Tillberry
Hilstrom	Kohls	Marquart	Ozment	Seifert	Tingelstad
Hilty	Kranz	Masin	Paulsen	Sertich	Tschumper
Holberg	Laine	McFarlane	Paymar	Severson	Urdahl
Hoppe	Lanning	McNamara	Pelowski	Shimanski	Wagenius
Hornstein	Lenczewski	Moe	Peppin	Simon	Walker
Hortman	Lesch	Morgan	Peterson, A.	Simpson	Ward
Hosch	Liebling	Morrow	Peterson, N.	Slawik	Wardlow
Howes	Lieder	Mullery	Peterson, S.	Slocum	Welti
Huntley	Lillie	Murphy, E.	Poppe	Smith	Westrom
Jaros	Loeffler	Murphy, M.	Rukavina	Solberg	Winkler
Juhnke	Madore	Nornes	Ruth	Swails	Wollschlager
Kahn	Magnus	Norton	Ruud	Thao	Zellers
Knuth	Mahoney	Olin	Sailer	Thissen	Spk. Kelliher

Sertich moved that further proceedings of the roll call be suspended and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

The vote was taken on the question "Shall the decision of Speaker pro tempore Juhnke stand as the judgment of the House?" and the roll was called. There were 85 yeas and 46 nays as follows:

Those who voted in the affirmative were:

Anzelc	Faust	Juhnke	Mariani	Pelowski	Thissen
Atkins	Fritz	Kahn	Marquart	Peterson, A.	Tillberry
Benson	Gardner	Kalin	Masin	Peterson, S.	Tschumper
Bigham	Greiling	Knuth	Moe	Poppe	Wagenius
Bly	Hansen	Koenen	Morgan	Rukavina	Walker
Brown	Hausman	Kranz	Morrow	Ruud	Ward
Brynaert	Haws	Laine	Mullery	Sailer	Welti
Bunn	Hilstrom	Lenczewski	Murphy, E.	Scalze	Winkler
Carlson	Hilty	Lesch	Murphy, M.	Sertich	Wollschlager
Davnie	Hornstein	Liebling	Nelson	Simon	Spk. Kelliher
Dill	Hortman	Lieder	Norton	Slawik	
Dittrich	Hosch	Lillie	Olin	Slocum	
Dominguez	Huntley	Loeffler	Otremba	Solberg	
Doty	Jaros	Madore	Ozment	Swails	
Eken	Johnson	Mahoney	Paymar	Thao	

Those who voted in the negative were:

Abeler	Demmer	Garofalo	Howes	Paulsen	Smith
Anderson, B.	Dettmer	Gottwalt	Kohls	Peppin	Tingelstad
Anderson, S.	Drazkowski	Gunther	Lanning	Peterson, N.	Urdahl
Berns	Eastlund	Hackbarth	Magnus	Ruth	Wardlow
Brod	Emmer	Hamilton	McFarlane	Seifert	Westrom
Buesgens	Erhardt	Heidgerken	McNamara	Severson	Zellers
Cornish	Erickson	Holberg	Nornes	Shimanski	
DeLaForest	Finstad	Hoppe	Olson	Simpson	

So it was the judgment of the House that the decision of Speaker pro tempore Juhnke should stand.

CALL OF THE HOUSE LIFTED

Sertich moved that the call of the House be lifted. The motion prevailed and it was so ordered.

Olson and Heiderken moved to amend S. F. No. 2605, the first engrossment, as amended, as follows:

Page 2, after line 7, insert:

"Sec. 3. **REPEALER.**

Minnesota Statutes 2006, sections 473.13, subdivisions 1 and 2; 473.167, subdivision 3; 473.249; and 473.446, are repealed.

EFFECTIVE DATE. This section is effective for taxes payable in 2011."

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Olson and Heiderken amendment and the roll was called. There were 45 yeas and 86 nays as follows:

Those who voted in the affirmative were:

Abeler	Demmer	Gunther	Jaros	Olson	Smith
Anderson, B.	Dettmer	Hackbarth	Kohls	Paulsen	Urdahl
Anderson, S.	Drazkowski	Hamilton	Lenczewski	Peppin	Wardlow
Berns	Eastlund	Heiderken	Magnus	Ruth	Westrom
Brod	Emmer	Holberg	Marquart	Seifert	Zellers
Buesgens	Erickson	Hoppe	McNamara	Severson	
Cornish	Finstad	Hortman	Morgan	Shimanski	
DeLaForest	Gottwalt	Howes	Nornes	Simpson	

Those who voted in the negative were:

Anzelc	Erhardt	Juhnke	Mariani	Peterson, A.	Thissen
Atkins	Faust	Kahn	Masin	Peterson, N.	Tillberry
Benson	Fritz	Kalin	McFarlane	Peterson, S.	Tingelstad
Bigham	Gardner	Knuth	Moe	Poppe	Tschumper
Bly	Garofalo	Koenen	Morrow	Rukavina	Wagenius
Brown	Greiling	Kranz	Mullery	Ruud	Walker
Brynaert	Hansen	Laine	Murphy, E.	Sailer	Ward
Bunn	Hausman	Lanning	Murphy, M.	Scalze	Welti
Carlson	Haws	Lesch	Nelson	Sertich	Winkler
Davnie	Hilstrom	Liebling	Norton	Simon	Wollschlager
Dill	Hilty	Lieder	Olin	Slawik	Spk. Kelliher
Dittrich	Hornstein	Lillie	Otremba	Slocum	
Dominguez	Hosch	Loeffler	Ozment	Solberg	
Doty	Huntley	Madore	Paymar	Swails	
Eken	Johnson	Mahoney	Pelowski	Thao	

The motion did not prevail and the amendment was not adopted.

Dill was excused for the remainder of today's session.

Olson and Heidgerken moved to amend S. F. No. 2605, the first engrossment, as amended, as follows:

Page 2, line 3, before the period, insert "; Repealer"

Page 2, line 7, after the period, insert "One year following full implementation of the staggered term appointments, the Metropolitan Council taxing authority as enumerated in Minnesota Statutes 2006, sections 473.13, subdivisions 1 and 2; 473.167, subdivision 3; 473.249; and 473.446, are repealed, and the legislature shall provide appropriate funding for the Metropolitan Council."

A roll call was requested and properly seconded.

The question was taken on the Olson and Heidgerken amendment and the roll was called. There were 43 yeas and 87 nays as follows:

Those who voted in the affirmative were:

Abeler	Demmer	Gunther	Kohls	Peppin	Wardlow
Anderson, B.	Dettmer	Hackbarth	Lenczewski	Ruth	Westrom
Anderson, S.	Drazkowski	Hamilton	Magnus	Seifert	Zellers
Berns	Eastlund	Heidgerken	Marquart	Severson	
Brod	Emmer	Holberg	McFarlane	Shimanski	
Buesgens	Erickson	Hoppe	McNamara	Simpson	
Cornish	Finstad	Hortman	Olson	Smith	
DeLaForest	Gottwalt	Howes	Paulsen	Urdahl	

Those who voted in the negative were:

Anzelc	Faust	Juhnke	Mariani	Pelowski	Thao
Atkins	Fritz	Kahn	Masin	Peterson, A.	Thissen
Benson	Gardner	Kalin	Moe	Peterson, N.	Tillberry
Bigham	Garofalo	Knuth	Morgan	Peterson, S.	Tingelstad
Bly	Greiling	Koenen	Morrow	Poppe	Tschumper
Brown	Hansen	Kranz	Mullery	Rukavina	Wagenius
Brynaert	Hausman	Laine	Murphy, E.	Ruud	Walker
Bunn	Haws	Lanning	Murphy, M.	Sailer	Ward
Carlson	Hilstrom	Lesch	Nelson	Scalze	Welti
Davnie	Hilty	Liebling	Nornes	Sertich	Winkler
Dittrich	Hornstein	Lieder	Norton	Simon	Wollschlager
Dominguez	Hosch	Lillie	Olin	Slawik	Spk. Kelliher
Doty	Huntley	Loeffler	Otremba	Slocum	
Eken	Jaros	Madore	Ozment	Solberg	
Erhardt	Johnson	Mahoney	Paymar	Swails	

The motion did not prevail and the amendment was not adopted.

Buesgens moved to amend S. F. No. 2605, the first engrossment, as amended, as follows:

Page 1, after line 5, insert:

"Section 1. Minnesota Statutes 2006, section 473.121, subdivision 2, is amended to read:

Subd. 2. **Metropolitan area or area.** "Metropolitan area" or "area" means the area over which the Metropolitan Council has jurisdiction, including ~~only~~ the counties of Anoka; Carver; Dakota excluding the city of Northfield; Hennepin excluding the cities of Hanover and Rockford; Ramsey; Scott excluding the city of New Prague; and Washington, and statutory, charter, or home rule cities with a population over 15,000."

Page 2, line 4, delete "Section 1 is" and insert "Sections 1 and 2 are"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Buesgens amendment and the roll was called. There were 0 yeas and 130 nays as follows:

Those who voted in the negative were:

Abeler	Doty	Hilty	Lieder	Otremba	Slocum
Anderson, B.	Drazkowski	Holberg	Lillie	Ozment	Smith
Anderson, S.	Eastlund	Hoppe	Loeffler	Paulsen	Solberg
Anzelc	Eken	Hornstein	Madore	Paymar	Swails
Atkins	Emmer	Hortman	Magnus	Pelowski	Thao
Benson	Erhardt	Hosch	Mahoney	Peppin	Thissen
Berns	Erickson	Howes	Mariani	Peterson, A.	Tillberry
Bigham	Faust	Huntley	Marquart	Peterson, N.	Tingelstad
Bly	Finstad	Jaros	Masin	Peterson, S.	Tschumper
Brod	Fritz	Johnson	McFarlane	Poppe	Urdahl
Brown	Gardner	Juhnke	McNamara	Rukavina	Wagenius
Brynaert	Garofalo	Kahn	Moe	Ruth	Walker
Buesgens	Gottwalt	Kalin	Morgan	Ruud	Ward
Bunn	Greiling	Knuth	Morrow	Sailer	Wardlow
Carlson	Gunther	Koenen	Mullery	Scalze	Welti
Cornish	Hackbarth	Kohls	Murphy, E.	Seifert	Westrom
Davnie	Hamilton	Kranz	Murphy, M.	Sertich	Winkler
DeLaForest	Hansen	Laine	Nelson	Severson	Wollschlager
Demmer	Hausman	Lanning	Nornes	Shimanski	Zellers
Dettmer	Haws	Lenczewski	Norton	Simon	Spk. Kelliher
Dittrich	Heidgerken	Lesch	Olin	Simpson	
Dominguez	Hilstrom	Liebling	Olson	Slawik	

The motion did not prevail and the amendment was not adopted.

Emmer moved to amend S. F. No. 2605, the first engrossment, as amended, as follows:

Page 2, after line 2, insert:

"Sec. 2. **PLAN.**

The Metropolitan Council shall deliver a plan to the legislature by December 1, 2008, on the elimination of the Metropolitan Council. The plan must include legislative language for the repeal of the Metropolitan Council by July 1, 2009, along with a proposal for the assimilation of Metropolitan Council duties by appropriate state agencies, nonprofit organizations, the private sector, or local units of government."

Page 2, line 7, after the period, insert "Section 2 is effective the day following final enactment."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Emmer amendment and the roll was called. There were 38 yeas and 91 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Demmer	Gottwalt	Howes	Ruth	Wardlow
Anderson, S.	Dettmer	Gunther	Kalin	Seifert	Westrom
Berns	Drazkowski	Hackbarth	Kohls	Severson	Zellers
Brod	Eastlund	Hamilton	Magnus	Shimanski	
Buesgens	Emmer	Heidgerken	McNamara	Simpson	
Cornish	Erickson	Holberg	Olson	Smith	
DeLaForest	Finstad	Hoppe	Peppin	Urdahl	

Those who voted in the negative were:

Abeler	Faust	Juhnke	Marquart	Pelowski	Thissen
Anzels	Fritz	Kahn	Masin	Peterson, A.	Tillberry
Atkins	Gardner	Knuth	Moe	Peterson, N.	Tingelstad
Benson	Garofalo	Koenen	Morgan	Peterson, S.	Tschumper
Bigham	Greiling	Kranz	Morrow	Poppe	Wagenius
Bly	Hansen	Laine	Mullery	Rukavina	Walker
Brown	Hausman	Lanning	Murphy, E.	Ruud	Ward
Brynaert	Haws	Lenczewski	Murphy, M.	Sailer	Welti
Bunn	Hilstrom	Lesch	Nelson	Scalze	Winkler
Carlson	Hilty	Liebling	Nornes	Sertich	Wollschlager
Davnie	Hornstein	Lieder	Norton	Simon	Spk. Kelliher
Dittrich	Hortman	Lillie	Olin	Slawik	
Dominguez	Hosch	Loeffler	Otremba	Slocum	
Doty	Huntley	Madore	Ozment	Solberg	
Eken	Jaros	Mahoney	Paulsen	Swails	
Erhardt	Johnson	Mariani	Paymar	Thao	

The motion did not prevail and the amendment was not adopted.

S. F. No. 2605, A bill for an act relating to the Metropolitan Council; providing for staggered terms of Metropolitan Council members; amending Minnesota Statutes 2006, section 473.123, subdivision 2a.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 82 yeas and 48 nays as follows:

Those who voted in the affirmative were:

Anzelc	Erhardt	Johnson	Madore	Paymar	Solberg
Atkins	Faust	Juhnke	Mahoney	Pelowski	Swails
Benson	Fritz	Kahn	Mariani	Peterson, A.	Thao
Bigham	Greiling	Kalin	Marquart	Peterson, N.	Thissen
Bly	Hansen	Knuth	Masin	Peterson, S.	Tillberry
Brown	Hausman	Koenen	Moe	Poppe	Tschumper
Brynaert	Haws	Kranz	Morrow	Rukavina	Wagenius
Bunn	Hilstrom	Laine	Mullery	Ruud	Walker
Carlson	Hilty	Lenczewski	Murphy, E.	Sailer	Ward
Davnie	Hornstein	Lesch	Murphy, M.	Scalze	Welti
Dittrich	Hortman	Liebling	Nelson	Sertich	Wollschlager
Dominguez	Hosch	Lieder	Norton	Simon	Spk. Kelliher
Doty	Huntley	Lillie	Olin	Slawik	
Eken	Jaros	Loeffler	Otremba	Slocum	

Those who voted in the negative were:

Abeler	Demmer	Garofalo	Howes	Olson	Simpson
Anderson, B.	Dettmer	Gottwalt	Kohls	Ozment	Smith
Anderson, S.	Drazkowski	Gunther	Lanning	Paulsen	Tingelstad
Berns	Eastlund	Hackbarth	Magnus	Peppin	Urdahl
Brod	Emmer	Hamilton	McFarlane	Ruth	Wardlow
Buesgens	Erickson	Heidgerken	McNamara	Seifert	Westrom
Cornish	Finstad	Holberg	Morgan	Severson	Winkler
DeLaForest	Gardner	Hoppe	Nornes	Shimanski	Zellers

The bill was passed, as amended, and its title agreed to.

S. F. No. 2828, A bill for an act relating to crime; modifying trespassing on critical public service property; amending Minnesota Statutes 2006, section 609.6055, subdivisions 1, 2.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Abeler	Brod	Demmer	Erhardt	Gunther	Hoppe
Anderson, B.	Brown	Dettmer	Erickson	Hackbarth	Hornstein
Anderson, S.	Brynaert	Dittrich	Faust	Hamilton	Hortman
Anzelc	Buesgens	Dominguez	Finstad	Hansen	Hosch
Atkins	Bunn	Doty	Fritz	Hausman	Howes
Benson	Carlson	Drazkowski	Gardner	Haws	Huntley
Berns	Cornish	Eastlund	Garofalo	Hilstrom	Jaros
Bigham	Davnie	Eken	Gottwalt	Hilty	Johnson
Bly	DeLaForest	Emmer	Greiling	Holberg	Juhnke

Kahn	Loeffler	Murphy, E.	Peterson, N.	Simpson	Walker
Kalin	Madore	Murphy, M.	Peterson, S.	Slawik	Ward
Knuth	Magnus	Nelson	Poppe	Slocum	Wardlow
Koenen	Mahoney	Nornes	Rukavina	Smith	Welti
Kohls	Mariani	Norton	Ruth	Solberg	Westrom
Kranz	Marquart	Olin	Ruud	Swails	Winkler
Laine	Masin	Otremba	Sailer	Thao	Wollschlager
Lanning	McFarlane	Ozment	Scalze	Thissen	Zellers
Lenczewski	McNamara	Paulsen	Seifert	Tillberry	Spk. Kelliher
Lesch	Moe	Paymar	Sertich	Tingelstad	
Liebling	Morgan	Pelowski	Severson	Tschumper	
Lieder	Morrow	Peppin	Shimanski	Urdahl	
Lillie	Mullery	Peterson, A.	Simon	Wagenius	

Those who voted in the negative were:

Heidgerken Olson

The bill was passed and its title agreed to.

S. F. No. 2399, A bill for an act relating to public nuisances; making changes to public nuisance law affecting evidentiary thresholds and numbers of triggering incidents required for specific offenses; amending Minnesota Statutes 2006, section 617.81, subdivision 2.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Doty	Hilty	Lieder	Otremba	Slocum
Anderson, B.	Drazkowski	Holberg	Lillie	Ozment	Smith
Anderson, S.	Eastlund	Hoppe	Loeffler	Paulsen	Solberg
Anzelc	Eken	Hornstein	Madore	Paymar	Swails
Atkins	Emmer	Hortman	Magnus	Pelowski	Thao
Benson	Erhardt	Hosch	Mahoney	Peppin	Thissen
Berns	Erickson	Howes	Mariani	Peterson, A.	Tillberry
Bigham	Faust	Huntley	Marquart	Peterson, N.	Tingelstad
Bly	Finstad	Jaros	Masin	Peterson, S.	Tschumper
Brod	Fritz	Johnson	McFarlane	Poppe	Urdahl
Brown	Gardner	Juhnke	McNamara	Rukavina	Wagenius
Brynaert	Garofalo	Kahn	Moe	Ruth	Walker
Buesgens	Gottwalt	Kalin	Morgan	Ruud	Ward
Bunn	Greiling	Knuth	Morrow	Sailer	Wardlow
Carlson	Gunther	Koenen	Mullery	Scalze	Welti
Cornish	Hackbarth	Kohls	Murphy, E.	Seifert	Westrom
Davnie	Hamilton	Kranz	Murphy, M.	Sertich	Winkler
DeLaForest	Hansen	Laine	Nelson	Severson	Wollschlager
Demmer	Hausman	Lanning	Nornes	Shimanski	Zellers
Dettmer	Haws	Lenczewski	Norton	Simon	Spk. Kelliher
Dittrich	Heidgerken	Lesch	Olin	Simpson	
Dominguez	Hilstrom	Liebling	Olson	Slawik	

The bill was passed and its title agreed to.

S. F. No. 3263 was reported to the House.

Bunn moved to amend S. F. No. 3263, the first engrossment, as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 3710, the first engrossment:

"Section 1. Minnesota Statutes 2006, section 145.30, is amended to read:

145.30 SUPERINTENDENT OF HOSPITALS TO TRANSFER RECORDS.

The superintendent or other chief administrative officer of any public or private hospital, by and with the consent and approval of its board of directors or other governing body, is authorized to transfer and record, or cause to be transferred and recorded, upon photographic film, electronic image or other state-of-the-art electronic preservation technology of convenient size for the preservation thereof as evidence, any or all of the original files and records of any such hospital dealing with the case history, physical examination, and daily hospital records of the individual patients thereof, including any miscellaneous documents, papers, and correspondence in connection therewith.

Sec. 2. Minnesota Statutes 2006, section 145.31, is amended to read:

145.31 ~~PHOTOSTATIC~~ COPIES TO BE USED AS EVIDENCE.

Upon the transferring and recording of any such original hospital files and records in the manner hereinbefore provided, such photographic film electronic image or other state-of-the-art electronic preservation technology records thereof shall have the same force and effect, when offered in evidence in any proceeding in this state, as the original records from which the same were so transferred and recorded, and any ~~photographic or photostatic~~ copy made therefrom, when duly certified in writing, attached thereto, by the officer or employee of such hospital in charge of the records, to be such correct and complete ~~photographic or photostatic~~ copy thereof, shall be admitted and received in evidence, without further foundation, in any proceeding in this state with the same force and effect as the original record of such hospital from which such ~~film recording~~ copy was originally made, whether the original is in existence or not.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 3. Minnesota Statutes 2007 Supplement, section 145.32, subdivision 1, is amended to read:

Subdivision 1. **Hospital records.** The superintendent or other chief administrative officer of any public or private hospital, by and with the consent and approval of the board of directors or other governing body of the hospital, may divest the files and records of that hospital of any individual case records ~~bearing dates more than three years prior to the date of the divestiture~~ and, with that consent and approval, may destroy the records. The records shall first have been transferred and recorded as authorized in section 145.30.

Portions of individual hospital medical records that comprise an individual permanent medical record, as defined by the commissioner of health, shall be retained as authorized in section 145.30. Other portions of the individual medical record, including any miscellaneous documents, papers, and correspondence in connection with them, may be divested and destroyed after seven years without transfer to photographic film, electronic image or other state-of-the-art electronic preservation technology.

All portions of individual hospital medical records of minors shall be maintained for seven years following the age of majority.

Nothing in this section shall be construed to prohibit the retention of hospital medical records beyond the periods described in this section. Nor shall anything in this section be construed to prohibit patient access to hospital medical records as provided in sections 144.291 to 144.298.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 4. Minnesota Statutes 2007 Supplement, section 149A.80, subdivision 1, is amended to read:

Subdivision 1. **Advance directives and will of decedent.** A person may direct the preparation for, type, or place of that person's final disposition, as well as the type of conveyance to be used to transport the body to the place of final disposition, either by oral or written instructions. Arrangements made in advance of need with a funeral establishment must be in writing and dated, signed, and notarized. The person or persons otherwise entitled to control the final disposition under this chapter shall faithfully carry out the reasonable and otherwise lawful directions of the decedent to the extent that the decedent has provided resources for the purpose of carrying out the directions. If the instructions are contained in a will, they shall be immediately carried out, regardless of the validity of the will in other respects or of the fact that the will may not be offered for or admitted to probate until a later date, subject to other provisions of this chapter or any other law of this state. This subdivision shall be administered and construed so that the reasonable and lawful instructions of the decedent or the person entitled to control the final disposition shall be faithfully and promptly performed.

Sec. 5. Minnesota Statutes 2007 Supplement, section 149A.93, subdivision 6, is amended to read:

Subd. 6. **Conveyances permitted for transportation.** A dead human body may be transported by means of public transportation provided that the body must be properly embalmed and encased in an appropriate container, or by any private vehicle or aircraft that meets the following standards:

- (1) promotes respect for and preserves the dignity of the dead human body;
- (2) shields the body from being viewed from outside of the conveyance;
- (3) has ample enclosed area to accommodate a regulation ambulance cot, aircraft ambulance stretcher, casket, alternative container, or cremation container in a horizontal position;
- (4) is designed to permit loading and unloading of the body without excessive tilting of the casket, alternative container, or cremation container; and
- (5) if used for the transportation of more than one dead human body at one time, the vehicle must be designed so that a body or container does not rest directly on top of another body or container and that each body or container is secured to prevent the body or container from excessive movement within the conveyance; and
- ~~(6) is designed so that the driver and the dead human body are in the same cab.~~

A vehicle that is a dignified conveyance and was specified for use by the deceased or by the family of the deceased may be used to transport the body to the place of final disposition."

Delete the title and insert:

"A bill for an act relating to health; permitting hospital records to be transferred to electronic image; changing provisions for advance directive and will of decedent regarding transport of body to place of final disposition; amending Minnesota Statutes 2006, sections 145.30; 145.31; Minnesota Statutes 2007 Supplement, sections 145.32, subdivision 1; 149A.80, subdivision 1; 149A.93, subdivision 6."

The motion prevailed and the amendment was adopted.

S. F. No. 3263, A bill for an act relating to health; permitting hospital records to be transferred to electronic image; amending Minnesota Statutes 2006, sections 145.30; 145.31; Minnesota Statutes 2007 Supplement, section 145.32, subdivision 1.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abeler	Doty	Hilty	Lieder	Ozment	Smith
Anderson, B.	Drazkowski	Holberg	Loeffler	Paulsen	Solberg
Anderson, S.	Eastlund	Hoppe	Madore	Paymar	Swails
Anzels	Eken	Hornstein	Magnus	Pelowski	Thao
Atkins	Emmer	Hortman	Mahoney	Peppin	Thissen
Benson	Erhardt	Hosch	Mariani	Peterson, A.	Tillberry
Berns	Erickson	Howes	Marquart	Peterson, N.	Tingelstad
Bigham	Faust	Huntley	Masin	Peterson, S.	Urdahl
Bly	Finstad	Jaros	McFarlane	Poppe	Wagenius
Brod	Fritz	Johnson	McNamara	Rukavina	Walker
Brown	Gardner	Juhnke	Moe	Ruth	Ward
Brynaert	Garofalo	Kahn	Morgan	Ruud	Wardlow
Buesgens	Gottwalt	Kalin	Morrow	Sailer	Walti
Bunn	Greiling	Knuth	Mullery	Scalze	Westrom
Carlson	Gunther	Koenen	Murphy, E.	Seifert	Winkler
Cornish	Hackbarth	Kohls	Murphy, M.	Sertich	Wollschlager
Davnie	Hamilton	Kranz	Nelson	Severson	Zellers
DeLaForest	Hansen	Laine	Nornes	Shimanski	Spk. Kelliher
Demmer	Hausman	Lanning	Norton	Simon	
Dettmer	Haws	Lenczewski	Olin	Simpson	
Dittrich	Heidgerken	Lesch	Olson	Slawik	
Dominguez	Hilstrom	Liebling	Otremba	Slocum	

Those who voted in the negative were:

Tschumper

The bill was passed, as amended, and its title agreed to.

S. F. No. 3225, A bill for an act relating to human services; authorizing the ombudsman and Medical Review Subcommittee to gather data about deceased clients; amending Minnesota Statutes 2006, sections 245.91, subdivision 3, by adding a subdivision; 245.92; 245.94, subdivisions 1, 2a; 245.97, subdivision 5.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Drazkowski	Holberg	Lillie	Ozment	Smith
Anderson, B.	Eastlund	Hoppe	Loeffler	Paulsen	Solberg
Anderson, S.	Eken	Hornstein	Madore	Paymar	Swails
Anzelc	Emmer	Hortman	Magnus	Pelowski	Thao
Atkins	Erhardt	Hosch	Mahoney	Peppin	Thissen
Berns	Erickson	Howes	Mariani	Peterson, A.	Tillberry
Bigham	Faust	Huntley	Marquart	Peterson, N.	Tingelstad
Bly	Finstad	Jaros	Masin	Peterson, S.	Tschumper
Brod	Fritz	Johnson	McFarlane	Poppe	Urdahl
Brown	Gardner	Juhnke	McNamara	Rukavina	Wagenius
Brynaert	Garofalo	Kahn	Moe	Ruth	Walker
Buesgens	Gottwalt	Kalin	Morgan	Ruud	Ward
Bunn	Greiling	Knuth	Morrow	Sailer	Wardlow
Carlson	Gunther	Koenen	Mullery	Scalze	Welti
Cornish	Hackbarth	Kohls	Murphy, E.	Seifert	Westrom
Davnie	Hamilton	Kranz	Murphy, M.	Sertich	Winkler
DeLaForest	Hansen	Laine	Nelson	Severson	Wollschlager
Demmer	Hausman	Lanning	Nornes	Shimanski	Zellers
Dettmer	Haws	Lenczewski	Norton	Simon	Spk. Kelliher
Dittrich	Heidgerken	Lesch	Olin	Simpson	
Dominguez	Hilstrom	Liebling	Olson	Slawik	
Doty	Hilty	Lieder	Otremba	Slocum	

The bill was passed and its title agreed to.

S. F. No. 2024, A bill for an act relating to human services; requiring notice for a redetermination of eligibility for services to disabled children; amending Minnesota Statutes 2006, section 256B.055, subdivision 12.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Carlson	Erickson	Heidgerken	Kalin	Magnus
Anderson, B.	Cornish	Faust	Hilstrom	Knuth	Mahoney
Anderson, S.	Davnie	Finstad	Hilty	Koenen	Mariani
Anzelc	DeLaForest	Fritz	Holberg	Kohls	Marquart
Atkins	Demmer	Gardner	Hoppe	Kranz	Masin
Benson	Dettmer	Garofalo	Hornstein	Laine	McFarlane
Berns	Dittrich	Gottwalt	Hortman	Lanning	McNamara
Bigham	Dominguez	Greiling	Hosch	Lenczewski	Moe
Bly	Doty	Gunther	Howes	Lesch	Morgan
Brod	Drazkowski	Hackbarth	Huntley	Liebling	Morrow
Brown	Eastlund	Hamilton	Jaros	Lieder	Mullery
Brynaert	Eken	Hansen	Johnson	Lillie	Murphy, E.
Buesgens	Emmer	Hausman	Juhnke	Loeffler	Murphy, M.
Bunn	Erhardt	Haws	Kahn	Madore	Nelson

Nornes	Pelowski	Ruud	Simpson	Tillberry	Welti
Norton	Peppin	Sailer	Slawik	Tingelstad	Westrom
Olin	Peterson, A.	Scalze	Slocum	Tschumper	Winkler
Olson	Peterson, N.	Seifert	Smith	Urdahl	Wollschlager
Otremba	Peterson, S.	Sertich	Solberg	Wagenius	Zellers
Ozment	Poppe	Severson	Swails	Walker	Spk. Kelliher
Paulsen	Rukavina	Shimanski	Thao	Ward	
Paymar	Ruth	Simon	Thissen	Wardlow	

The bill was passed and its title agreed to.

S. F. No. 3286 was reported to the House.

McNamara offered an amendment to S. F. No. 3286.

POINT OF ORDER

Hosch raised a point of order pursuant to rule 3.21 that the McNamara amendment was not in order. Speaker pro tempore Juhnke ruled the point of order well taken and the McNamara amendment out of order.

S. F. No. 3286, A bill for an act relating to health; changing information required for filing a complaint with a health plan company; amending Minnesota Statutes 2006, section 62Q.69, subdivision 2.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dettmer	Hamilton	Knuth	McNamara	Peterson, N.
Anderson, B.	Dittrich	Hansen	Koenen	Moe	Peterson, S.
Anderson, S.	Dominguez	Hausman	Kohls	Morgan	Poppe
Anzelc	Doty	Haws	Kranz	Morrow	Rukavina
Atkins	Drazkowski	Heidgerken	Laine	Mullery	Ruth
Benson	Eastlund	Hilstrom	Lanning	Murphy, E.	Ruud
Berns	Eken	Hilty	Lenczewski	Murphy, M.	Sailer
Bigham	Emmer	Holberg	Lesch	Nelson	Scalze
Bly	Erhardt	Hoppe	Liebling	Nornes	Seifert
Brod	Erickson	Hornstein	Lieder	Norton	Sertich
Brown	Faust	Hortman	Lillie	Olin	Severson
Brynaert	Finstad	Hosch	Loeffler	Olson	Shimanski
Buesgens	Fritz	Howes	Madore	Otremba	Simon
Bunn	Gardner	Huntley	Magnus	Ozment	Simpson
Carlson	Garofalo	Jaros	Mahoney	Paulsen	Slawik
Cornish	Gottwalt	Johnson	Mariani	Paymar	Slocum
Davnie	Greiling	Juhnke	Marquart	Pelowski	Smith
DeLaForest	Gunther	Kahn	Masin	Peppin	Solberg
Demmer	Hackbarth	Kalin	McFarlane	Peterson, A.	Swails

Thao	Tingelstad	Wagenius	Wardlow	Winkler	Spk. Kelliher
Thissen	Tschumper	Walker	Welti	Wollschlager	
Tillberry	Urdahl	Ward	Westrom	Zellers	

The bill was passed and its title agreed to.

S. F. No. 2377, A bill for an act relating to health; modifying basic life support ambulance staffing requirements under certain circumstances; allowing a hardship waiver of advanced life support ambulance staffing requirements; modifying advanced life support ambulance staffing requirements under certain circumstances; amending Minnesota Statutes 2006, section 144E.101, subdivision 7; Minnesota Statutes 2007 Supplement, section 144E.101, subdivision 6.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 122 yeas and 8 nays as follows:

Those who voted in the affirmative were:

Abeler	Eastlund	Hoppe	Lillie	Ozment	Solberg
Anderson, S.	Eken	Hornstein	Loeffler	Paulsen	Swails
Anzalc	Emmer	Hortman	Madore	Paymar	Thao
Atkins	Erhardt	Hosch	Magnus	Pelowski	Thissen
Benson	Erickson	Howes	Mahoney	Peterson, A.	Tillberry
Berns	Faust	Huntley	Mariani	Peterson, N.	Tingelstad
Bigham	Finstad	Jaros	Marquart	Peterson, S.	Tschumper
Bly	Fritz	Johnson	Masin	Poppe	Urdahl
Brod	Gardner	Juhnke	McFarlane	Rukavina	Wagenius
Brown	Garofalo	Kahn	McNamara	Ruth	Walker
Brynaert	Gottwalt	Kalin	Moe	Ruud	Ward
Bunn	Greiling	Knuth	Morgan	Sailer	Wardlow
Carlson	Gunther	Koenen	Morrow	Scalze	Welti
Cornish	Hackbarth	Kohls	Mullery	Seifert	Westrom
Davnie	Hamilton	Kranz	Murphy, E.	Sertich	Winkler
DeLaForest	Hansen	Laine	Murphy, M.	Severson	Wollschlager
Demmer	Hausman	Lanning	Nelson	Simon	Spk. Kelliher
Dettmer	Haws	Lenczewski	Nornes	Simpson	
Dittrich	Heidgerken	Lesch	Norton	Slawik	
Dominguez	Hilstrom	Liebling	Olin	Slocum	
Doty	Hilty	Lieder	Otremba	Smith	

Those who voted in the negative were:

Anderson, B.	Drazkowski	Olson	Shimanski
Buesgens	Holberg	Peppin	Zellers

The bill was passed and its title agreed to.

S. F. No. 2368 was reported to the House.

Ward moved to amend S. F. No. 2368, the first engrossment, as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 2588, the first engrossment:

"Section 1. Minnesota Statutes 2006, section 246.0136, subdivision 1, is amended to read:

Subdivision 1. **Planning for enterprise activities.** The commissioner of human services is directed to study and make recommendations to the legislature on establishing, relocating, or closing enterprise activities within state-operated services. Before implementing, relocating, or closing an enterprise activity, the commissioner must obtain statutory authorization for its implementation, ~~except that the commissioner has authority to implement enterprise activities for adult mental health, adolescent services, and to establish a public group practice without statutory authorization~~ relocation, or closing. Enterprise activities are defined as the range of services, which are delivered by state employees, needed by people with disabilities and are fully funded by public or private third-party health insurance or other revenue sources available to clients that provide reimbursement for the services provided. Enterprise activities within state-operated services shall specialize in caring for vulnerable people for whom no other providers are available or for whom state-operated services may be the provider selected by the payer. In subsequent biennia after an enterprise activity is established within a state-operated service, the base state appropriation for that state-operated service shall be reduced proportionate to the size of the enterprise activity."

Delete the title and insert:

"A bill for an act relating to human services; requiring authorization before implementing, relocating, or closing an enterprise activity; amending Minnesota Statutes 2006, section 246.0136, subdivision 1."

The motion prevailed and the amendment was adopted.

The Speaker assumed the Chair.

S. F. No. 2368, A bill for an act relating to human services; requiring the commissioner to notify the legislature prior to the closure or transfer of an enterprise activity; amending Minnesota Statutes 2006, section 246.0136, by adding a subdivision.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 105 yeas and 25 nays as follows:

Those who voted in the affirmative were:

Abeler	Bigham	Carlson	Doty	Fritz	Hackbarth
Anderson, B.	Bly	Cornish	Eastlund	Gardner	Hamilton
Anzenc	Brown	Davnie	Eken	Gottwalt	Hansen
Atkins	Brynaert	Dittrich	Erhardt	Greiling	Hausman
Benson	Bunn	Dominguez	Faust	Gunther	Haws

Heidgerken	Knuth	Mariani	Olin	Shimanski	Urdahl
Hilstrom	Koenen	Marquart	Otremba	Simon	Wagenius
Hilty	Kranz	Masin	Ozment	Simpson	Walker
Hornstein	Laine	McNamara	Paymar	Slawik	Ward
Hortman	Lenczewski	Moe	Pelowski	Slocum	Wardlow
Hosch	Lesch	Morgan	Peterson, A.	Smith	Welti
Hoves	Liebling	Morrow	Peterson, N.	Solberg	Westrom
Huntley	Lieder	Mullery	Poppe	Swails	Winkler
Jaros	Lillie	Murphy, E.	Rukavina	Thao	Wollschlager
Johnson	Loeffler	Murphy, M.	Ruud	Thissen	Spk. Kelliher
Juhnke	Madore	Nelson	Sailer	Tillberry	
Kahn	Magnus	Nornes	Scalze	Tingelstad	
Kalin	Mahoney	Norton	Sertich	Tschumper	

Those who voted in the negative were:

Anderson, S.	Demmer	Finstad	Lanning	Peterson, S.
Berns	Dettmer	Garofalo	McFarlane	Ruth
Brod	Drazkowski	Holberg	Olson	Seifert
Buesgens	Emmer	Hoppe	Paulsen	Severson
DeLaForest	Erickson	Kohls	Peppin	Zellers

The bill was passed, as amended, and its title agreed to.

S. F. No. 3130 was reported to the House.

Kalin and Olson moved to amend S. F. No. 3130, the first engrossment, as follows:

Page 2, after line 21, insert:

"Sec. 6. **RULEMAKING.**

The Department of Corrections shall define secure confinement when amending Minnesota Rules, chapter 2911, as authorized under Minnesota Statutes, section 241.021.

EFFECTIVE DATE. This section is effective the day following final enactment."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Westrom offered an amendment to S. F. No. 3130, the first engrossment, as amended.

POINT OF ORDER

Sertich raised a point of order pursuant to rule 3.21 that the Westrom amendment was not in order. The Speaker ruled the point of order well taken and the Westrom amendment out of order.

Seifert moved to amend S. F. No. 3130, the first engrossment, as amended, as follows:

Page 2, after line 21, insert:

"Sec. 6. **REPORT.**

Beginning January 1, 2009, the commissioner of corrections must annually submit a report to the legislature that compiles the number of undocumented immigrants currently incarcerated in the state correctional facilities."

A roll call was requested and properly seconded.

Kalin moved that S. F. No. 3130, the first engrossment, as amended, be continued on the Calendar for the Day. The motion prevailed.

S. F. No. 3571, A bill for an act relating to human services; amending state-operated services; allowing certain nonstate employees to work for community-based programs; amending Minnesota Statutes 2006, section 252.50, subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Demmer	Hackbarth	Kalin	McFarlane	Peterson, A.
Anderson, B.	Dettmer	Hamilton	Knuth	McNamara	Peterson, N.
Anderson, S.	Dittrich	Hansen	Koenen	Moe	Peterson, S.
Anzelc	Dominguez	Hausman	Kohls	Morgan	Poppe
Atkins	Doty	Haws	Kranz	Morrow	Rukavina
Beard	Drazkowski	Heidgerken	Laine	Mullery	Ruth
Benson	Eastlund	Hilstrom	Lanning	Murphy, E.	Ruud
Berns	Eken	Hilty	Lenczewski	Murphy, M.	Sailer
Bigham	Emmer	Holberg	Lesch	Nelson	Scalze
Bly	Erhardt	Hoppe	Liebling	Nornes	Seifert
Brod	Erickson	Hornstein	Lieder	Norton	Sertich
Brown	Faust	Hortman	Lillie	Olin	Severson
Brynaert	Finstad	Hosch	Loeffler	Olson	Shimanski
Buesgens	Fritz	Howes	Madore	Otremba	Simon
Bunn	Gardner	Huntley	Magnus	Ozment	Simpson
Carlson	Garofalo	Jaros	Mahoney	Paulsen	Slawik
Cornish	Gottwalt	Johnson	Mariani	Paymar	Slocum
Davnie	Greiling	Juhnke	Marquart	Pelowski	Smith
DeLaForest	Gunther	Kahn	Masin	Peppin	Solberg

Swails	Tillberry	Urdahl	Ward	Westrom	Zellers
Thao	Tingelstad	Wagenius	Wardlow	Winkler	Spk. Kelliher
Thissen	Tschumper	Walker	Welti	Wollschlager	

The bill was passed and its title agreed to.

S. F. No. 3235 was reported to the House.

Simon moved to amend S. F. No. 3235, the second engrossment, as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 3553, the first engrossment:

"Section 1. Minnesota Statutes 2006, section 6.715, is amended by adding a subdivision to read:

Subd. 5. **Review of data; data protection.** If, before releasing a report, the state auditor provides a person with data relating to the audit for the purpose of review and verification of the data, the person must protect the data from unlawful disclosure or be subject to the penalties and liabilities provided in sections 13.08 and 13.09.

Sec. 2. Minnesota Statutes 2006, section 13.03, subdivision 3, is amended to read:

Subd. 3. **Request for access to data.** (a) Upon request to a responsible authority or designee, a person shall be permitted to inspect and copy public government data at reasonable times and places, and, upon request, shall be informed of the data's meaning. If a person requests access for the purpose of inspection, the responsible authority may not assess a charge or require the requesting person to pay a fee to inspect data.

(b) For purposes of this section, "inspection" includes, but is not limited to, the visual inspection of paper and similar types of government data. Inspection does not include printing copies by the government entity, unless printing a copy is the only method to provide for inspection of the data. In the case of data stored in electronic form and made available in electronic form on a remote access basis to the public by the government entity, inspection includes remote access to the data by the public and the ability to print copies of or download the data on the public's own computer equipment. Nothing in this section prohibits a government entity from charging a reasonable fee for remote access to data under a specific statutory grant of authority. A government entity may charge a fee for remote access to data where either the data or the access is enhanced at the request of the person seeking access.

(c) The responsible authority or designee shall provide copies of public data upon request. If a person requests copies or electronic transmittal of the data to the person, the responsible authority may require the requesting person to pay the actual costs of searching for and retrieving government data, including the cost of employee time, and for making, certifying, ~~compiling~~, and electronically transmitting the copies of the data or the data, but may not charge for separating public from not public data. However, if 100 or fewer pages of black and white, letter or legal size paper copies are requested, actual costs shall not be used, and instead, the responsible authority may charge no more than 25 cents for each page copied. If the responsible authority or designee is not able to provide copies at the time a request is made, copies shall be supplied as soon as reasonably possible.

(d) When a request under this subdivision involves any person's receipt of copies of public government data that has commercial value and is a substantial and discrete portion of or an entire formula, pattern, compilation, program, device, method, technique, process, database, or system developed with a significant expenditure of public funds by the government entity, the responsible authority may charge a reasonable fee for the information in addition to the costs of making, ~~certifying, and compiling~~ and certifying the copies. Any fee charged must be clearly demonstrated by the government entity to relate to the actual development costs of the information. The responsible authority, upon the request of any person, shall provide sufficient documentation to explain and justify the fee being charged.

(e) The responsible authority of a government entity that maintains public government data in a computer storage medium shall provide to any person making a request under this section a copy of any public data contained in that medium, in electronic form, if the government entity can reasonably make the copy or have a copy made. This does not require a government entity to provide the data in an electronic format or program that is different from the format or program in which the data are maintained by the government entity. The entity may require the requesting person to pay the actual cost of providing the copy.

(f) If the responsible authority or designee determines that the requested data is classified so as to deny the requesting person access, the responsible authority or designee shall inform the requesting person of the determination either orally at the time of the request, or in writing as soon after that time as possible, and shall cite the specific statutory section, temporary classification, or specific provision of federal law on which the determination is based. Upon the request of any person denied access to data, the responsible authority or designee shall certify in writing that the request has been denied and cite the specific statutory section, temporary classification, or specific provision of federal law upon which the denial was based.

Sec. 3. Minnesota Statutes 2006, section 13.08, subdivision 1, is amended to read:

Subdivision 1. **Action for damages.** Notwithstanding section 466.03, a responsible authority or government entity which violates any provision of this chapter is liable to a person or representative of a decedent who suffers any damage as a result of the violation, and the person damaged or a representative in the case of private data on decedents or confidential data on decedents may bring an action against the responsible authority or government entity to cover any damages sustained, plus costs and reasonable attorney fees. In the case of a willful violation, the government entity shall, in addition, be liable to exemplary damages of not less than ~~\$100~~ \$5,000, nor more than ~~\$10,000~~ \$50,000 for each violation. The state is deemed to have waived any immunity to a cause of action brought under this chapter.

Sec. 4. Minnesota Statutes 2007 Supplement, section 13.08, subdivision 4, is amended to read:

Subd. 4. **Action to compel compliance.** (a) In addition to the remedies provided in subdivisions 1 to 3 or any other law, any aggrieved person seeking to enforce the person's rights under this chapter or obtain access to data may bring an action in district court to compel compliance with this chapter and may recover costs and disbursements, including reasonable attorney's fees, as determined by the court. If the court determines that an action brought under this subdivision is frivolous and without merit and a basis in fact, it may award reasonable costs and attorney fees to the responsible authority. If the court issues an order to compel compliance under this subdivision, the court may impose a civil penalty of up to ~~\$300~~ \$3,000 against the government entity. This penalty is payable to the state general fund and is in addition to damages under subdivision 1. The matter shall be heard as soon as possible. In an action involving a request for government data under section 13.03 or 13.04, the court may inspect in camera the government data in dispute, but shall conduct its hearing in public and in a manner that protects the security of data classified as not public. If the court issues an order to compel compliance under this subdivision, the court shall forward a copy of the order to the commissioner of administration.

(b) In determining whether to assess a civil penalty under this subdivision, the court shall consider whether the government entity has substantially complied with general data practices under this chapter, including but not limited to, whether the government entity has:

- (1) designated a responsible authority under section 13.02, subdivision 16;
- (2) designated a data practices compliance official under section 13.05, subdivision 13;
- (3) prepared the public document that names the responsible authority and describes the records and data on individuals that are maintained by the government entity under section 13.05, subdivision 1;

(4) developed public access procedures under section 13.03, subdivision 2; procedures to guarantee the rights of data subjects under section 13.05, subdivision 8; and procedures to ensure that data on individuals are accurate and complete and to safeguard the data's security under section 13.05, subdivision 5;

(5) acted in conformity with an opinion issued under section 13.072 that was sought by a government entity or another person; or

(6) provided ongoing training to government entity personnel who respond to requests under this chapter.

(c) The court shall award reasonable attorney fees to a prevailing plaintiff who has brought an action under this subdivision if the government entity that is the defendant in the action was also the subject of a written opinion issued under section 13.072 and the court finds that the opinion is directly related to the cause of action being litigated and that the government entity did not act in conformity with the opinion.

Sec. 5. Minnesota Statutes 2006, section 13.202, subdivision 11, is amended to read:

Subd. 11. **Metropolitan government.** (a) **Affirmative action plans.** Treatment of data relating to metropolitan agency affirmative action plans is governed by section 473.143, subdivisions 5 and 7.

(b) **Contracts for management services.** Data relating to compensation of personnel who work under a management service contract are classified by section 473.405, subdivision 12.

(c) **Arena acquisition.** Certain data in connection with a decision whether to acquire a sports arena are classified under section 473.598, subdivision 4.

(d) **Airports commission.** Certain airline data submitted to the Metropolitan Airports Commission in connection with the issuance of revenue bonds are classified under section 473.6671, subdivision 3.

(e) **Solid waste landfill fee.** Information obtained from the operator of a mixed municipal solid waste disposal facility under section 473.843 is classified under section 473.843, subdivision 4.

(f) **Metropolitan airport parking customers.** Data relating to applicants for or users of automated parking facilities at the Minneapolis-St. Paul International Airport are classified under section 473.674.

Sec. 6. Minnesota Statutes 2007 Supplement, section 13.39, subdivision 2, is amended to read:

Subd. 2. **Civil actions.** (a) Except as provided in paragraph (b), data collected by ~~state agencies, political subdivisions, or statewide systems~~ a government entity as part of an active investigation undertaken for the purpose of the commencement or defense of a pending civil legal action, or which are retained in anticipation of a pending civil legal action, are classified as protected nonpublic data pursuant to section 13.02, subdivision 13, in the case of data not on individuals and confidential pursuant to section 13.02, subdivision 3, in the case of data on individuals. Any ~~agency, political subdivision, or statewide system~~ government entity may make any data classified as confidential or protected nonpublic pursuant to this subdivision accessible to any person, agency or the public if the ~~agency, political subdivision, or statewide system~~ government entity determines that the access will aid the law enforcement process or investigative process, promote public health or safety or dispel widespread rumor or unrest.

(b) A complainant has access to a statement provided by the complainant to a government entity under paragraph (a).

Sec. 7. Minnesota Statutes 2007 Supplement, section 13.39, subdivision 2a, is amended to read:

Subd. 2a. **Disclosure of data.** During the time when a civil legal action is determined to be pending under subdivision 1, any person may bring an action in the district court in the county where the data ~~is~~ are maintained to obtain disclosure of data classified as confidential or protected nonpublic under subdivision 2. The court may order that all or part of the data be released to the public or to the person bringing the action. In making the determination whether data shall be disclosed, the court shall consider whether the benefit to the person bringing the action or to the public outweighs any harm to the public, the government entity, or any person identified in the data. The data in dispute shall be examined by the court in camera.

Sec. 8. Minnesota Statutes 2006, section 13.41, subdivision 1, is amended to read:

Subdivision 1. **Definition.** As used in this section, the following terms have the meanings given them.

(a) "License" means a credential specified in Minnesota Statutes as a license, certification, registration, permit, or other credential issued by a state agency that is required in order for an individual to engage in an occupation, trade, or business regulated by law.

(b) "Licensing agency" means ~~any board, department or agency of this state which~~ state agency that is given the statutory authority to issue ~~professional or other types of~~ licenses, except the various agencies primarily administered by the commissioner of human services. Data pertaining to persons or agencies licensed or registered under authority of the commissioner of human services shall be administered pursuant to section 13.46.

Sec. 9. Minnesota Statutes 2006, section 13.41, subdivision 2, is amended to read:

Subd. 2. **Private data; designated addresses and telephone numbers.** (a) Except as provided in this chapter or other law, the following data collected, created, or maintained by any licensing agency are classified as private; pursuant to section 13.02, subdivision 12: data, other than their names data on individuals:

(1) data related to an application for a license, except for the applicant's name and designated addresses, submitted by applicants for licenses; address, the license period for which the applicant applied, and whether the application is approved, disapproved, withdrawn, or pending;

(2) the nondesignated address of a licensee;

(3) the identity of complainants who have made reports concerning licensees or applicants which appear in inactive ~~complaint data~~ civil investigative data under section 13.39, unless the complainant consents to the disclosure;

(4) the nature or content of unsubstantiated complaints when no disciplinary action or penalty is imposed and when the information is not ~~maintained in anticipation of legal action~~ civil investigative data under section 13.39; and

(5) the identity of patients whose medical records are received by any health licensing agency for purposes of review or in anticipation of a contested matter; inactive investigative data relating to violations of statutes or rules; and the record of any disciplinary proceeding except as limited by subdivision 5.

(b) An applicant for a license shall designate on the application a residence or business address and telephone number at which the applicant can be contacted in connection with the license application. A licensee shall designate a residence or business address and telephone number at which the licensee can be contacted in connection with the license. By designating an address under this paragraph other than a residence address, the applicant or

licensee consents to accept personal service of process by service on the licensing agency for legal or administrative proceedings. The licensing agency shall mail a copy of the documents to the applicant or licensee at the last known residence address.

Sec. 10. Minnesota Statutes 2007 Supplement, section 13.41, subdivision 3, is amended to read:

Subd. 3. **Board of Peace Officer Standards and Training.** The following government data of the Board of Peace Officer Standards and Training are private data:

- (1) home addresses of licensees and applicants for licenses; and
- (2) data that identify the government entity that employs a licensed peace officer.

The board may disseminate private data on applicants and licensees as is necessary to administer law enforcement licensure or to provide data under section 626.845, subdivision 1, to law enforcement agencies who are conducting employment background investigations. License numbers, license status, and continuing education records issued or maintained by the Board of Peace Officer Standards and Training are public data.

Sec. 11. Minnesota Statutes 2006, section 13.41, subdivision 5, is amended to read:

Subd. 5. **Public data.** Licensing agency minutes, application data on licensees except nondesignated addresses, orders for hearing, findings of fact, conclusions of law and specification of the final disciplinary action contained in the record of the disciplinary action are classified as public, pursuant to section 13.02, subdivision 15. The entire record concerning the disciplinary proceeding is public data pursuant to section 13.02, subdivision 15, in those instances where there is a public hearing concerning the disciplinary action. If the licensee and the licensing agency agree to resolve a complaint without a hearing, the agreement and the specific reasons for the agreement are public data. ~~The license numbers, the license status, and continuing education records issued or maintained by the Board of Peace Officer Standards and Training are classified as public data, pursuant to section 13.02, subdivision 15.~~

Sec. 12. Minnesota Statutes 2006, section 13.41, is amended by adding a subdivision to read:

Subd. 7. **Complaints and investigations.** Data related to complaints against or investigations about a licensee or applicant for a license are governed by section 13.39.

Sec. 13. Minnesota Statutes 2006, section 13.601, subdivision 3, is amended to read:

Subd. 3. **Applicants for election or appointment.** Data on candidates for election or applicants for appointment to boards, commissions, committees, task forces, advisory groups, or other public bodies are private except that the following data on all applicants for election or appointment to a public body, including those subject to chapter 13D, are public: name, city of residence address, education and training, employment history, volunteer work, awards and honors, and prior government service or experience.

Sec. 14. Minnesota Statutes 2006, section 13.601, is amended by adding a subdivision to read:

Subd. 4. **Boards, commissions, and advisory groups.** (a) Upon election or appointment to a public body, all application data held by the government entity on the appointee or elected official are public, including: home address, telephone number, and e-mail address.

(b) An individual whose contact information is made public by paragraph (a) may request the government entity with jurisdiction over the body to keep the individual's contact information private. The individual must provide a request, in writing, to the responsible authority of the government entity. Upon receiving a request, the responsible authority must classify any addresses, telephone numbers, and e-mail addresses provided by the individual as private data on individuals.

(c)(1) A responsible authority must provide a requestor with a postal or electronic mail address at which the requestor may send documents or other information related to the individual's public duties. The responsible authority may provide the same postal mail address for more than one individual whose data has been made private.

(2) In providing an alternate address, the responsible authority must also provide the individual whose contact information has been made private with secure access procedures for purposes of collecting materials sent to the address. The individual must regularly collect any materials sent to the alternate address.

Sec. 15. Minnesota Statutes 2006, section 13.6905, subdivision 2, is amended to read:

Subd. 2. **Vehicle registration application data.** ~~Certain~~ Driver's license numbers and other information provided in applications for motor vehicle registrations is are governed under section 168.10, subdivision 168.346, subdivisions 1 and 1a.

Sec. 16. Minnesota Statutes 2006, section 13.6905, is amended by adding a subdivision to read:

Subd. 9a. **Driver's license number and application data.** Driver's license numbers and information provided in applications for drivers' licenses are governed under section 171.12, subdivisions 7 and 7a.

Sec. 17. Minnesota Statutes 2006, section 13.6905, is amended by adding a subdivision to read:

Subd. 28a. **Use and storage of explosives.** Data related to the use and storage of explosives by individuals holding a permit are governed by sections 299F.28 and 299F.75, subdivision 4.

Sec. 18. Minnesota Statutes 2006, section 168.346, subdivision 1, is amended to read:

Subdivision 1. **Vehicle registration data; federal compliance.** (a) The Department of Public Safety shall treat data on an individual provided to register a vehicle ~~shall be treated~~, including the driver's license number, as provided by United States Code, title 18, section 2721, as in effect on May 23, 2005, and ~~shall be disclosed~~ may disclose that data only as required or permitted by that section.

(b) The registered owner of a vehicle who is an individual may consent in writing to the commissioner to disclose the individual's personal information exempted by United States Code, title 18, section 2721, to any person who makes a written request for the personal information. If the registered owner is an individual and so authorizes disclosure, the commissioner shall implement the request.

(c) If authorized by the registered owner as indicated in paragraph (b), the registered owner's personal information may be used, rented, or sold solely for bulk distribution by organizations for business purposes including surveys, marketing, or solicitation.

Sec. 19. Minnesota Statutes 2006, section 168.346, is amended by adding a subdivision to read:

Subd. 1a. **Driver's license number classified as private data on individuals.** Except as otherwise provided for the Department of Public Safety under subdivision 1:

(1) driver's license numbers must be treated as private data on individuals, as defined in section 13.02, subdivision 12; and

(2) data in applications for drivers' licenses provided to a state or local government agency must also be treated as private data on individuals if the data are provided by the department and shall not be disclosed except:

(i) according to court order;

(ii) according to a statute specifically authorizing disclosure of the private data; or

(iii) to administer federal funds or programs for child support enforcement purposes.

Sec. 20. Minnesota Statutes 2006, section 171.12, subdivision 7, is amended to read:

Subd. 7. **Privacy of data.** (a) The department shall treat driver's license numbers and data on individuals provided to obtain a driver's license or Minnesota identification card ~~shall be treated~~ as provided by United States Code, title 18, section 2721, as in effect on May 23, 2005, and ~~shall be disclosed~~ may disclose the numbers or data only as required or permitted by that section.

(b) An applicant for a driver's license or a Minnesota identification card may consent, in writing, to the commissioner to disclose the applicant's personal information exempted by United States Code, title 18, section 2721, to any person who makes a request for the personal information. If the applicant so authorizes disclosures, the commissioner shall implement the request and the information may be used.

(c) If authorized by an applicant for a driver's license or a Minnesota identification card, as indicated in paragraph (b), the applicant's personal information may be used, rented, or sold solely for bulk distribution by organizations for business purposes, including surveys, marketing, or solicitation.

(d) An applicant for a driver's license, instruction permit, or Minnesota identification card may request that the applicant's residence address be classified as "private data on individuals," as defined in section 13.02, subdivision 12. The commissioner shall grant the classification on receipt of a signed statement by the individual that the classification is required for the safety of the applicant or the applicant's family, if the statement also provides a valid, existing address where the applicant consents to receive service of process. The commissioner shall use the service for process mailing address in place of the residence address in all documents and notices pertaining to the driver's license, instruction permit, or Minnesota identification card. The residence address and any information provided in the classification request, other than the mailing address, are private data on individuals and may be provided to requesting law enforcement agencies, probation and parole agencies, and public authorities, as defined in section 518A.26, subdivision 18.

Sec. 21. Minnesota Statutes 2006, section 171.12, is amended by adding a subdivision to read:

Subd. 7b. **Driver's license number classified as private data on individuals.** Except as otherwise provided for the Department of Public Safety under subdivision 7:

(1) driver's license numbers must be treated as private data on individuals, as defined in section 13.02, subdivision 12; and

(2) data in applications for drivers' licenses provided to a state or local government agency must also be treated as private data on individuals if the data are provided by the department and shall not be disclosed except:

(i) according to court order;

(ii) according to a statute specifically authorizing disclosure of the private data; or

(iii) to administer federal funds or programs for child support enforcement purposes.

Sec. 22. Minnesota Statutes 2006, section 260B.171, subdivision 5, is amended to read:

Subd. 5. **Peace officer records of children.** (a) Except for records relating to an offense where proceedings are public under section 260B.163, subdivision 1, peace officers' records of children who are or may be delinquent or who may be engaged in criminal acts shall be kept separate from records of persons 18 years of age or older and are private data but shall be disseminated: (1) by order of the juvenile court, (2) as required by section 121A.28, (3) as authorized under section 13.82, subdivision 2, (4) to the child or the child's parent or guardian unless disclosure of a record would interfere with an ongoing investigation, (5) to the Minnesota crime victims reparations board as required by section 611A.56, subdivision 2, clause (f), for the purpose of processing claims for crime victims reparations, or (6) as otherwise provided in this subdivision. Except as provided in paragraph (c), no photographs of a child taken into custody may be taken without the consent of the juvenile court unless the child is alleged to have violated section 169A.20. Peace officers' records containing data about children who are victims of crimes or witnesses to crimes must be administered consistent with section 13.82, subdivisions 2, 3, 6, and 17. Any person violating any of the provisions of this subdivision shall be guilty of a misdemeanor.

In the case of computerized records maintained about juveniles by peace officers, the requirement of this subdivision that records about juveniles must be kept separate from adult records does not mean that a law enforcement agency must keep its records concerning juveniles on a separate computer system. Law enforcement agencies may keep juvenile records on the same computer as adult records and may use a common index to access both juvenile and adult records so long as the agency has in place procedures that keep juvenile records in a separate place in computer storage and that comply with the special data retention and other requirements associated with protecting data on juveniles.

(b) Nothing in this subdivision prohibits the exchange of information by law enforcement agencies if the exchanged information is pertinent and necessary for law enforcement purposes.

(c) A photograph may be taken of a child taken into custody pursuant to section 260B.175, subdivision 1, clause (b), provided that the photograph must be destroyed when the child reaches the age of 19 years. The commissioner of corrections may photograph juveniles whose legal custody is transferred to the commissioner. Photographs of juveniles authorized by this paragraph may be used only for institution management purposes, case supervision by parole agents, and to assist law enforcement agencies to apprehend juvenile offenders. The commissioner shall maintain photographs of juveniles in the same manner as juvenile court records and names under this section.

(d) Traffic investigation reports are open to inspection by a person who has sustained physical harm or economic loss as a result of the traffic accident. Identifying information on juveniles who are parties to traffic accidents may be disclosed as authorized under section 13.82, subdivision 4~~6~~, and accident reports required under section 169.09 may be released under section 169.09, subdivision 13, unless the information would identify a juvenile who was taken into custody or who is suspected of committing an offense that would be a crime if committed by an adult, or would associate a juvenile with the offense, and the offense is not an adult court traffic offense under section 260B.225.

(e) The head of a law enforcement agency or a person specifically given the duty by the head of the law enforcement agency shall notify the superintendent or chief administrative officer of a juvenile's school of an incident occurring within the agency's jurisdiction if:

(1) the agency has probable cause to believe that the juvenile has committed an offense that would be a crime if committed as an adult, that the victim of the offense is a student or staff member of the school, and that notice to the school is reasonably necessary for the protection of the victim; or

(2) the agency has probable cause to believe that the juvenile has committed an offense described in subdivision 3, paragraph (a), clauses (1) to (3), that would be a crime if committed by an adult, regardless of whether the victim is a student or staff member of the school.

A law enforcement agency is not required to notify the school under this paragraph if the agency determines that notice would jeopardize an ongoing investigation. For purposes of this paragraph, "school" means a public or private elementary, middle, secondary, or charter school.

(f) In any county in which the county attorney operates or authorizes the operation of a juvenile prepetition or pretrial diversion program, a law enforcement agency or county attorney's office may provide the juvenile diversion program with data concerning a juvenile who is a participant in or is being considered for participation in the program.

(g) Upon request of a local social services agency, peace officer records of children who are or may be delinquent or who may be engaged in criminal acts may be disseminated to the agency to promote the best interests of the subject of the data.

(h) Upon written request, the prosecuting authority shall release investigative data collected by a law enforcement agency to the victim of a criminal act or alleged criminal act or to the victim's legal representative, except as otherwise provided by this paragraph. Data shall not be released if:

- (1) the release to the individual subject of the data would be prohibited under section 13.821; or
- (2) the prosecuting authority reasonably believes:
 - (i) that the release of that data will interfere with the investigation; or
 - (ii) that the request is prompted by a desire on the part of the requester to engage in unlawful activities.

Sec. 23. Minnesota Statutes 2007 Supplement, section 268.19, subdivision 1, is amended to read:

Subdivision 1. **Use of data.** (a) Except as provided by this section, data gathered from any person under the administration of the Minnesota Unemployment Insurance Law are private data on individuals or nonpublic data not on individuals as defined in section 13.02, subdivisions 9 and 12, and may not be disclosed except according to a district court order or section 13.05. A subpoena is not considered a district court order. These data may be disseminated to and used by the following agencies without the consent of the subject of the data:

- (1) state and federal agencies specifically authorized access to the data by state or federal law;
- (2) any agency of any other state or any federal agency charged with the administration of an unemployment insurance program;
- (3) any agency responsible for the maintenance of a system of public employment offices for the purpose of assisting individuals in obtaining employment;
- (4) the public authority responsible for child support in Minnesota or any other state in accordance with section 256.978;
- (5) human rights agencies within Minnesota that have enforcement powers;
- (6) the Department of Revenue to the extent necessary for its duties under Minnesota laws;

(7) public and private agencies responsible for administering publicly financed assistance programs for the purpose of monitoring the eligibility of the program's recipients;

(8) the Department of Labor and Industry and the Division of Insurance Fraud Prevention in the Department of Commerce for uses consistent with the administration of their duties under Minnesota law;

(9) local and state welfare agencies for monitoring the eligibility of the data subject for assistance programs, or for any employment or training program administered by those agencies, whether alone, in combination with another welfare agency, or in conjunction with the department or to monitor and evaluate the statewide Minnesota family investment program by providing data on recipients and former recipients of food stamps or food support, cash assistance under chapter 256, 256D, 256J, or 256K, child care assistance under chapter 119B, or medical programs under chapter 256B, 256D, or 256L;

(10) local and state welfare agencies for the purpose of identifying employment, wages, and other information to assist in the collection of an overpayment debt in an assistance program;

(11) local, state, and federal law enforcement agencies for the purpose of ascertaining the last known address and employment location of an individual who is the subject of a criminal investigation;

(12) the United States Citizenship and Immigration Services has access to data on specific individuals and specific employers provided the specific individual or specific employer is the subject of an investigation by that agency;

(13) the Department of Health for the purposes of epidemiologic investigations; and

(14) the Department of Corrections for the purpose of preconfinement and postconfinement employment tracking of individuals who had been committed to the custody of the commissioner of corrections committed offenders for the purpose of case planning.

(b) Data on individuals and employers that are collected, maintained, or used by the department in an investigation under section 268.182 are confidential as to data on individuals and protected nonpublic data not on individuals as defined in section 13.02, subdivisions 3 and 13, and must not be disclosed except under statute or district court order or to a party named in a criminal proceeding, administrative or judicial, for preparation of a defense.

(c) Data gathered by the department in the administration of the Minnesota unemployment insurance program must not be made the subject or the basis for any suit in any civil proceedings, administrative or judicial, unless the action is initiated by the department.

EFFECTIVE DATE. This section is effective July 1, 2008.

Sec. 24. Minnesota Statutes 2006, section 299F.28, is amended to read:

299F.28 RECORDS ARE PUBLIC, EXCEPTIONS.

All records on file in the state fire marshal's office shall be public, except: (1) any testimony, correspondence, or other matter taken in an investigation under the provisions of this chapter, which the state fire marshal may withhold from the public; and (2) any data collected on the locations of storage and use of explosives or blasting agents by individuals authorized under sections 299F.72 to 299F.831, which shall be classified as nonpublic data pursuant to section 13.02, subdivision 9.

Sec. 25. Minnesota Statutes 2006, section 299F.75, is amended by adding a subdivision to read:

Subd. 4. **Use of data.** The portions of an application submitted under this section and any other data held by an issuing authority, local fire official, or law enforcement agency that indicate the applicant's place and time of intended use of explosives or blasting agents and place and means of storage of the explosives or blasting agents until such use shall be classified as nonpublic data pursuant to section 13.02, subdivision 9.

Sec. 26. Minnesota Statutes 2006, section 383B.917, subdivision 1, is amended to read:

Subdivision 1. **Data Practices Act.** (a) The corporation is subject to chapter 13, the Minnesota Government Data Practices Act.

(b) "Competitive data," as defined in this subdivision, are nonpublic data pursuant to section 13.02, subdivision 9, or private data on individuals pursuant to section 13.02, subdivision 12. Competitive data are any type of data that the corporation, in its discretion, determines that if disclosed could cause competitive disadvantage to the corporation, including causing adverse effects on the current or future competitive position of the corporation or the entities, facilities, and operations for which it is responsible. Data discussed at an open meeting of the corporation retains the data's original classification, including classification as competitive data, as provided in section 13D.05, subdivision 1, paragraph (c). Any data disseminated by the corporation to the county shall retain the same classification in the hands of the county, including the classification as competitive data, as provided in section 13.03, subdivision 4.

(c) A subsidiary, joint venture, association, partnership, or other entity that is formed by the corporation is not subject to chapter 13, except that if the corporation enters into a contract with such an entity to perform any functions of the corporation, the corporation shall include in the contract terms that make it clear that data created, collected, received, stored, used, maintained, or disseminated by the contracting entity in performing those functions is subject to the same requirements under chapter 13 as the corporation under this subdivision. However, this section does not create a duty on the part of the contracting entity to provide access to public data to the public if the public data are available from the corporation, except as required by the terms of the contract. Any entity contracting to perform functions of the corporation may classify data as competitive data as defined in paragraph (b).

(d) Notwithstanding section 13.384, if a nonprofit corporation provides faculty physician services to the corporation and is participating in an electronic exchange of health records with the corporation, the nonprofit corporation may share medical data with all other participants in the exchange for purposes of treatment, payment, or health care operations. The nonprofit corporation and other participants in the exchange are considered related health care entities for purposes of section 144.293, subdivision 5, clause (2), and are not considered outside of the corporation's facility for purposes of section 144.651, subdivision 16.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 27. **[473.674] AIRPORT PARKING SPACE CUSTOMER DATA.**

The following data relating to applicants for or users of automated parking facilities at the Minneapolis-St. Paul International Airport are classified as nonpublic data with regard to data not on individuals and as private data with regard to data on individuals: (1) data contained in applications for an electronic tag or device that provides access to airport parking facilities and which assesses charges for a vehicle's use of those facilities; (2) personal and vehicle information data; (3) financial and credit data; and (4) parking usage data. Nothing in this section prohibits the production of summary data as defined in section 13.02, subdivision 19.

Sec. 28. Minnesota Statutes 2006, section 518.10, is amended to read:

518.10 REQUISITES OF PETITION.

Subdivision 1. **Petition.** The petition for dissolution of marriage or legal separation shall state and allege:

(a) the name, ~~and address, and, in circumstances in which child support or spousal maintenance will be addressed,~~ Social Security number of the petitioner and any prior or other name used by the petitioner;

(b) the name and, if known, the address ~~and, in circumstances in which child support or spousal maintenance will be addressed,~~ Social Security number of the respondent and any prior or other name used by the respondent and known to the petitioner;

(c) the place and date of the marriage of the parties;

(d) in the case of a petition for dissolution, that either the petitioner or the respondent or both:

(1) has resided in this state for not less than 180 days immediately preceding the commencement of the proceeding, or

(2) has been a member of the armed services and has been stationed in this state for not less than 180 days immediately preceding the commencement of the proceeding, or

(3) has been a domiciliary of this state for not less than 180 days immediately preceding the commencement of the proceeding;

(e) the name at the time of the petition and any prior or other name, Social Security number, age, and date of birth of each living minor or dependent child of the parties born before the marriage or born or adopted during the marriage and a reference to, and the expected date of birth of, a child of the parties conceived during the marriage but not born;

(f) whether or not a separate proceeding for dissolution, legal separation, or custody is pending in a court in this state or elsewhere;

(g) in the case of a petition for dissolution, that there has been an irretrievable breakdown of the marriage relationship;

(h) in the case of a petition for legal separation, that there is a need for a decree of legal separation;

(i) any temporary or permanent maintenance, child support, child custody, disposition of property, attorneys' fees, costs and disbursements applied for without setting forth the amounts; and

(j) whether an order for protection under chapter 518B or a similar law of another state that governs the parties or a party and a minor child of the parties is in effect and, if so, the district court or similar jurisdiction in which it was entered.

The petition shall be verified by the petitioner or petitioners, and its allegations established by competent evidence.

Subd. 2. **Social Security number document.** In proceedings where child support or spousal maintenance issues will be addressed, the petition under subdivision 1 must be accompanied by a separate document that contains the Social Security numbers of the petitioner and the respondent. The Social Security number document must be maintained in a portion of the court file or records that are not accessible to the general public.

Sec. 29. **REPEALER.**

Minnesota Statutes 2006, section 13.41, subdivision 4, is repealed."

Delete the title and insert:

"A bill for an act relating to data practices; making technical changes; defining terms; authorizing electronic exchange of certain data; regulating use of certain data; increasing liability limits for damages; requiring protection from disclosure for certain data; classifying data; amending Minnesota Statutes 2006, sections 6.715, by adding a subdivision; 13.03, subdivision 3; 13.08, subdivision 1; 13.202, subdivision 11; 13.41, subdivisions 1, 2, 5, by adding a subdivision; 13.601, subdivision 3, by adding a subdivision; 13.6905, subdivision 2, by adding subdivisions; 168.346, subdivision 1, by adding a subdivision; 171.12, subdivision 7, by adding a subdivision; 260B.171, subdivision 5; 299F.28; 299F.75, by adding a subdivision; 383B.917, subdivision 1; 518.10; Minnesota Statutes 2007 Supplement, sections 13.08, subdivision 4; 13.39, subdivisions 2, 2a; 13.41, subdivision 3; 268.19, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 473; repealing Minnesota Statutes 2006, section 13.41, subdivision 4."

The motion prevailed and the amendment was adopted.

Simon moved to amend S. F. No. 3235, the second engrossment, as amended, as follows:

Page 9, delete sections 15 and 16

Pages 9 and 10, delete sections 18, 19, and 20

Page 11, delete section 21

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Holberg and Simon moved to amend S. F. No. 3235, the second engrossment, as amended, as follows:

Page 8, delete sections 13 and 14 and insert:

"Sec. 13. Minnesota Statutes 2006, section 13.601, subdivision 3, is amended to read:

Subd. 3. **Applicants for election or appointment.** ~~The following data on all applicants for election or appointment to a public body, including those subject to chapter 13D, are public: name, city of residence, education and training, employment history, volunteer work, awards and honors, and prior government service or experience.~~
(a) Data about applicants for appointment to a public body are private data on individuals except that the following are public:

(1) name;

(2) city of residence except when the appointment has a residency requirement that requires the entire address to be public;

(3) education and training;

(4) employment history;

(5) volunteer work;

(6) awards and honors; and

(7) prior government service.

(b) Once an individual is appointed to a public body, the following additional items of data are public:

(1) full residence address or an alternate address specified by the appointee where the appointee can be reached;

(2) a telephone number where the appointee can be reached; and

(3) an electronic mail address where the appointee can be reached.

Sec. 14. Minnesota Statutes 2006, section 13.601, is amended by adding a subdivision to read:

Subd. 4. **Elected officials.** The following data about elected officials are classified as private data on individuals:

(1) all telephone numbers except the one designated by the elected official as the telephone number at which the elected official can be contacted on official business;

(2) all electronic mail addresses except the one designated by the elected official as the electronic mail address at which the elected official can be contacted about official business;

(3) all postal mail addresses except the one designated by the elected official as the postal mail address at which the elected official can be contacted about official business;

(4) the reason for and specific amount of any deduction and withholding;

(5) name, address, and birth date of any dependent; and

(6) medical information provided in support of an application or a claim for insurance or disability benefits."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Zellers moved to amend S. F. No. 3235, the second engrossment, as amended, as follows:

Page 15, after line 28, insert:

"Sec. 26. Minnesota Statutes 2006, section 325E.59, is amended by adding a subdivision to read:

Subd. 1a. **Prohibiting the use of Social Security numbers on the face of mailings.** A government entity shall not send or cause to be sent or delivered any mailing either by letter, envelope, postcard, or package that displays a Social Security number on the face of the letter, envelope, postcard, or package, or from which a Social Security number is visible, whether on the outside or inside of the mailing. A government entity shall not require or request that a person send any mailing either by letter, envelope, postcard, or package that displays a Social Security number on the face of the mailing, or from which a Social Security number is visible, whether on the outside or inside of the mailing."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

DeLaForest, Bigham, Erickson, Hilstrom, Holberg, Lillie and Lanning moved to amend S. F. No. 3235, the second engrossment, as amended, as follows:

Page 5, after line 14, insert:

"Sec. 6. **[13.387] HEALTH ASSESSMENT SURVEY PROHIBITION.**

A health insurance company may not survey public employees for the purpose of assessing the health of the individual or collective group."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the DeLaForest et al amendment and the roll was called. There were 79 yeas and 51 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Bly	Dittrich	Erickson	Haws	Juhnke
Anderson, S.	Brown	Dominguez	Finstad	Heidgerken	Kalin
Anzelc	Buesgens	Doty	Garofalo	Hilstrom	Koenen
Beard	Cornish	Drazkowski	Gottwalt	Holberg	Kranz
Benson	Davnie	Eastlund	Gunther	Hoppe	Lanning
Berns	DeLaForest	Eken	Hackbarth	Howes	Lenczewski
Bigham	Dettmer	Emmer	Hamilton	Jaros	Lesch

Lieder	Morrow	Peppin	Sailer	Slawik	Westrom
Lillie	Nornes	Peterson, A.	Scalze	Slocum	Zellers
Madore	Olin	Peterson, N.	Seifert	Smith	
Magnus	Olson	Peterson, S.	Sertich	Solberg	
McFarlane	Otremba	Poppe	Severson	Urdahl	
McNamara	Ozment	Rukavina	Shimanski	Ward	
Morgan	Pelowski	Ruth	Simpson	Wardlow	

Those who voted in the negative were:

Abeler	Fritz	Huntley	Mariani	Paulsen	Tschumper
Atkins	Gardner	Johnson	Marquart	Paymar	Wagenius
Brod	Greiling	Kahn	Masin	Ruud	Walker
Brynaert	Hansen	Knuth	Moe	Simon	Walti
Bunn	Hausman	Kohls	Mullery	Swails	Winkler
Carlson	Hilty	Laine	Murphy, E.	Thao	Wollschlager
Demmer	Hornstein	Liebling	Murphy, M.	Thissen	
Erhardt	Hortman	Loeffler	Nelson	Tillberry	
Faust	Hosch	Mahoney	Norton	Tingelstad	

The motion prevailed and the amendment was adopted.

Abeler, Holberg and Thissen moved to amend S. F. No. 3235, the second engrossment, as amended, as follows:

Page 11, after line 16, insert:

"Sec. 22. Minnesota Statutes 2007 Supplement, section 256.01, subdivision 2b, is amended to read:

Subd. 2b. **Performance payments; performance measurement.** (a) The commissioner shall develop and implement a pay-for-performance system to provide performance payments to eligible medical groups and clinics that demonstrate optimum care in serving individuals with chronic diseases who are enrolled in health care programs administered by the commissioner under chapters 256B, 256D, and 256L. The commissioner may receive any federal matching money that is made available through the medical assistance program for managed care oversight contracted through vendors, including consumer surveys, studies, and external quality reviews as required by the federal Balanced Budget Act of 1997, Code of Federal Regulations, title 42, part 438-managed care, subpart E-external quality review. Any federal money received for managed care oversight is appropriated to the commissioner for this purpose. The commissioner may expend the federal money received in either year of the biennium.

(b) Effective July 1, 2009, or upon federal approval, whichever is later, the commissioner shall develop and implement a patient incentive health program to provide incentives and rewards to patients who are enrolled in health care programs administered by the commissioner under chapters 256B, 256D, and 256L, and who have agreed to and have met personal health goals established with the patients' primary care providers to manage a chronic disease or condition, including but not limited to diabetes, high blood pressure, and coronary artery disease.

(c) The commissioner, in consultation with the Health Services Policy Committee, shall develop and provide to the legislature by December 15, 2008, a methodology and any draft legislation necessary to allow for the release, upon request, of summary data as defined in section 13.02, subdivision 19, on claims and utilization for medical assistance, general assistance medical care, and MinnesotaCare enrollees at no charge to the University of

Minnesota Medical School, the Mayo Medical School, Northwestern Health Sciences University, the Institute for Clinical Systems Improvement, and other research institutions, to conduct analyses of health care outcomes and treatment effectiveness, provided the research institutions do not release private or nonpublic data, or data for which dissemination is prohibited by law."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Seifert and Olson moved to amend S. F. No. 3235, the second engrossment, as amended, as follows:

Page 15, after line 2, insert:

"(b) Notwithstanding paragraph (a), the following is public data and must be compiled by the commissioner and submitted to the Department of Immigration Customs and Enforcement: the identities of any inmate whose immigration status cannot be determined."

Renumber the paragraphs in sequence

A roll call was requested and properly seconded.

The question was taken on the Seifert and Olson amendment and the roll was called. There were 106 yeas and 23 nays as follows:

Those who voted in the affirmative were:

Abeler	Demmer	Hamilton	Laine	Olson	Shimanski
Anderson, B.	Dettmer	Hansen	Lanning	Otremba	Simon
Anderson, S.	Dittrich	Haws	Lenczewski	Ozment	Simpson
Anzenc	Doty	Heidgerken	Lieder	Paulsen	Slawik
Atkins	Drazkowski	Hilstrom	Lillie	Pelowski	Smith
Beard	Eastlund	Hilty	Madore	Peppin	Solberg
Benson	Eken	Holberg	Magnus	Peterson, A.	Thissen
Berns	Emmer	Hoppe	Marquart	Peterson, N.	Tingelstad
Bigham	Erhardt	Hortman	Masin	Peterson, S.	Tschumper
Bly	Erickson	Hosch	McFarlane	Poppe	Urdahl
Brod	Faust	Howes	McNamara	Rukavina	Ward
Brown	Finstad	Huntley	Moe	Ruth	Wardlow
Brynaert	Fritz	Juhnke	Morgan	Ruud	Walti
Buesgens	Gardner	Kalin	Morrow	Sailer	Westrom
Bunn	Garofalo	Knuth	Murphy, M.	Scalze	Wollschlager
Carlson	Gottwalt	Koenen	Nornes	Seifert	Zellers
Cornish	Gunther	Kohls	Norton	Sertich	
DeLaForest	Hackbarth	Kranz	Olin	Severson	

Those who voted in the negative were:

Davnie	Hornstein	Lesch	Mariani	Paymar	Wagenius
Dominguez	Jaros	Liebling	Mullery	Slocum	Walker
Greiling	Johnson	Loeffler	Murphy, E.	Thao	Winkler
Hausman	Kahn	Mahoney	Nelson	Tillberry	

The motion prevailed and the amendment was adopted.

Drazkowski offered an amendment to S. F. No. 3235, the second engrossment, as amended.

POINT OF ORDER

Simon raised a point of order pursuant to rule 3.21 that the Drazkowski amendment was not in order. The Speaker ruled the point of order well taken and the Drazkowski amendment out of order.

S. F. No. 3235, A bill for an act relating to data practices; classifying data and authorizing data sharing; making technical changes; regulating practices of business screening services; providing for civil penalties and remedies; amending Minnesota Statutes 2006, sections 6.715, by adding a subdivision; 13.03, subdivision 3; 13.32, by adding a subdivision; 123B.03, subdivisions 2, 3, by adding a subdivision; 260B.171, subdivision 5; 518.10; Minnesota Statutes 2007 Supplement, section 13.39, subdivisions 2, 2a; proposing coding for new law in Minnesota Statutes, chapter 332.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Demmer	Hackbarth	Kalin	McFarlane	Peterson, A.
Anderson, B.	Dettmer	Hamilton	Knuth	McNamara	Peterson, N.
Anderson, S.	Dittrich	Hansen	Koenen	Moe	Peterson, S.
Anzelc	Dominguez	Hausman	Kohls	Morgan	Poppe
Atkins	Doty	Haws	Kranz	Morrow	Rukavina
Beard	Drazkowski	Heidgerken	Laine	Mullery	Ruth
Benson	Eastlund	Hilstrom	Lanning	Murphy, E.	Ruud
Berns	Eken	Hilty	Lenczewski	Murphy, M.	Sailer
Bigham	Emmer	Holberg	Lesch	Nelson	Scalze
Bly	Erhardt	Hoppe	Liebling	Nornes	Seifert
Brod	Erickson	Hornstein	Lieder	Norton	Sertich
Brown	Faust	Hortman	Lillie	Olin	Severson
Brynaert	Finstad	Hosch	Loeffler	Olson	Shimanski
Buesgens	Fritz	Howes	Madore	Otremba	Simon
Bunn	Gardner	Huntley	Magnus	Ozment	Simpson
Carlson	Garofalo	Jaros	Mahoney	Paulsen	Slawik
Cornish	Gottwalt	Johnson	Mariani	Paymar	Slocum
Davnie	Greiling	Juhnke	Marquart	Pelowski	Smith
DeLaForest	Gunther	Kahn	Masin	Peppin	Solberg

Swails	Tillberry	Urdahl	Ward	Westrom	Zellers
Thao	Tingelstad	Wagenius	Wardlow	Winkler	Spk. Kelliher
Thissen	Tschumper	Walker	Welti	Wollschlager	

The bill was passed, as amended, and its title agreed to.

S. F. No. 2390, A bill for an act relating to consumer protection; modifying restrictions on the collection and use of Social Security numbers; amending Minnesota Statutes 2006, section 325E.59, subdivision 3; Minnesota Statutes 2007 Supplement, section 325E.59, subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dominguez	Hilstrom	Liebling	Olson	Slawik
Anderson, B.	Doty	Hilty	Lieder	Otremba	Slocum
Anderson, S.	Drazkowski	Holberg	Lillie	Ozment	Smith
Anzels	Eastlund	Hoppe	Loeffler	Paulsen	Solberg
Atkins	Eken	Hornstein	Madore	Paymar	Swails
Beard	Emmer	Hortman	Magnus	Pelowski	Thao
Benson	Erhardt	Hosch	Mahoney	Peppin	Thissen
Berns	Erickson	Howes	Mariani	Peterson, A.	Tillberry
Bigham	Faust	Huntley	Marquart	Peterson, N.	Tingelstad
Bly	Finstad	Jaros	Masin	Peterson, S.	Tschumper
Brod	Fritz	Johnson	McFarlane	Poppe	Urdahl
Brown	Gardner	Juhnke	McNamara	Rukavina	Wagenius
Brynaert	Garofalo	Kahn	Moe	Ruth	Walker
Buesgens	Gottwalt	Kalin	Morgan	Ruud	Ward
Bunn	Greiling	Knuth	Morrow	Sailer	Wardlow
Carlson	Gunther	Koenen	Mullery	Scalze	Welti
Cornish	Hackbarth	Kohls	Murphy, E.	Seifert	Westrom
Davnie	Hamilton	Kranz	Murphy, M.	Sertich	Winkler
DeLaForest	Hansen	Laine	Nelson	Severson	Wollschlager
Demmer	Hausman	Lanning	Nornes	Shimanski	Zellers
Dettmer	Haws	Lenczewski	Norton	Simon	Spk. Kelliher
Dittrich	Heidgerken	Lesch	Olin	Simpson	

The bill was passed and its title agreed to.

S. F. No. 3647, A bill for an act relating to public safety; making certain emergency responders exempt from permit requirement for emergency communications equipment; amending Minnesota Statutes 2006, section 299C.37, subdivision 3.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dominguez	Hilstrom	Liebling	Olson	Slawik
Anderson, B.	Doty	Hilty	Lieder	Otremba	Slocum
Anderson, S.	Drazkowski	Holberg	Lillie	Ozment	Smith
Anzelc	Eastlund	Hoppe	Loeffler	Paulsen	Solberg
Atkins	Eken	Hornstein	Madore	Paymar	Swails
Beard	Emmer	Hortman	Magnus	Pelowski	Thao
Benson	Erhardt	Hosch	Mahoney	Peppin	Thissen
Berns	Erickson	Howes	Mariani	Peterson, A.	Tillberry
Bigham	Faust	Huntley	Marquart	Peterson, N.	Tingelstad
Bly	Finstad	Jaros	Masin	Peterson, S.	Tschumper
Brod	Fritz	Johnson	McFarlane	Poppe	Urdahl
Brown	Gardner	Juhnke	McNamara	Rukavina	Wagenius
Brynaert	Garofalo	Kahn	Moe	Ruth	Walker
Buesgens	Gottwalt	Kalin	Morgan	Ruud	Ward
Bunn	Greiling	Knuth	Morrow	Sailer	Wardlow
Carlson	Gunther	Koenen	Mullery	Scalze	Welti
Cornish	Hackbarth	Kohls	Murphy, E.	Seifert	Westrom
Davnie	Hamilton	Kranz	Murphy, M.	Sertich	Winkler
DeLaForest	Hansen	Laine	Nelson	Severson	Wollschlager
Demmer	Hausman	Lanning	Nornes	Shimanski	Zellers
Dettmer	Haws	Lenczewski	Norton	Simon	Spk. Kelliher
Dittrich	Heidgerken	Lesch	Olin	Simpson	

The bill was passed and its title agreed to.

S. F. No. 2936, A bill for an act relating to real property; modifying certain plat requirements; amending Minnesota Statutes 2006, sections 505.20; 508.47, subdivision 4; 508A.47, subdivision 4; Minnesota Statutes 2007 Supplement, sections 505.01, subdivision 3; 505.021, subdivisions 8, 10.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Brynaert	Drazkowski	Greiling	Hornstein	Kohls
Anderson, B.	Buesgens	Eastlund	Gunther	Hortman	Kranz
Anderson, S.	Bunn	Eken	Hackbarth	Hosch	Laine
Anzelc	Carlson	Emmer	Hamilton	Howes	Lanning
Atkins	Cornish	Erhardt	Hansen	Huntley	Lenczewski
Beard	Davnie	Erickson	Hausman	Jaros	Lesch
Benson	DeLaForest	Faust	Haws	Johnson	Liebling
Berns	Demmer	Finstad	Heidgerken	Juhnke	Lieder
Bigham	Dettmer	Fritz	Hilstrom	Kahn	Lillie
Bly	Dittrich	Gardner	Hilty	Kalin	Loeffler
Brod	Dominguez	Garofalo	Holberg	Knuth	Madore
Brown	Doty	Gottwalt	Hoppe	Koenen	Magnus

Mahoney	Murphy, E.	Paymar	Sailer	Smith	Walker
Mariani	Murphy, M.	Pelowski	Scalze	Solberg	Ward
Marquart	Nelson	Peppin	Seifert	Swails	Wardlow
Masin	Nornes	Peterson, A.	Sertich	Thao	Welti
McFarlane	Norton	Peterson, N.	Severson	Thissen	Westrom
McNamara	Olin	Peterson, S.	Shimanski	Tillberry	Winkler
Moe	Olson	Poppe	Simon	Tingelstad	Wollschlager
Morgan	Otremba	Rukavina	Simpson	Tschumper	Zellers
Morrow	Ozment	Ruth	Slawik	Urdahl	Spk. Kelliher
Mullery	Paulsen	Ruud	Slocum	Wagenius	

The bill was passed and its title agreed to.

MOTIONS FOR RECONSIDERATION

Hilstrom moved that the vote whereby S. F. No. 2390 was passed earlier today be now reconsidered. The motion prevailed.

Hilstrom moved that the action whereby S. F. No. 2390 was given its third reading be now reconsidered. The motion prevailed.

S. F. No. 2390 was reported to the House.

Hilstrom moved to amend S. F. No. 2390, the second engrossment, as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 3146, the second engrossment:

"Section 1. Minnesota Statutes 2007 Supplement, section 325E.59, subdivision 1, is amended to read:

Subdivision 1. **Generally.** (a) A person or entity, not including a government entity, may not do any of the following:

(1) publicly post or publicly display in any manner an individual's Social Security number. "Publicly post" or "publicly display" means to intentionally communicate or otherwise make available to the general public;

(2) print an individual's Social Security number on any card required for the individual to access products or services provided by the person or entity;

(3) require an individual to transmit the individual's Social Security number over the Internet, unless the connection is secure or the Social Security number is encrypted, except as required by titles XVIII and XIX of the Social Security Act and by Code of Federal Regulations, title 42, section 483.20;

(4) require an individual to use the individual's Social Security number to access an Internet Web site, unless a password or unique personal identification number or other authentication device is also required to access the Internet Web site;

(5) print a number that the person or entity knows to be an individual's Social Security number on any materials that are mailed to the individual, unless state or federal law requires the Social Security number to be on the document to be mailed. If, in connection with a transaction involving or otherwise relating to an individual, a person or entity receives a number from a third party, that person or entity is under no duty to inquire or otherwise determine whether the number is or includes that individual's Social Security number and may print that number on materials mailed to the individual, unless the person or entity receiving the number has actual knowledge that the number is or includes the individual's Social Security number;

(6) assign or use a number as the primary account identifier that is identical to or incorporates an individual's complete Social Security number, except in conjunction with an employee or member retirement or benefit plan; or

(7) sell Social Security numbers obtained from individuals in the course of business.

Notwithstanding clauses (1) to (5), Social Security numbers may be included in applications and forms sent by mail, including documents sent as part of an application or enrollment process, or to establish, amend, or terminate an account, contract, or policy, or to confirm the accuracy of the Social Security number. Nothing in this paragraph authorizes inclusion of a Social Security number on the outside of a mailing or in the bulk mailing of a credit card solicitation offer.

(b) A person or entity, not including a government entity, must restrict access to individual Social Security numbers it holds so that only employees or agents who require access to records containing the numbers in order to perform their job duties have access to the numbers, except as required by titles XVIII and XIX of the Social Security Act and by Code of Federal Regulations, title 42, section 483.20.

(c) This section applies only to the use of Social Security numbers on or after July 1, 2008.

EFFECTIVE DATE. This section is effective July 1, 2008.

Sec. 2. Minnesota Statutes 2006, section 325E.59, subdivision 3, is amended to read:

Subd. 3. **Coordination with other law.** (a) This section does not prevent the collection, use, or release of a Social Security number as ~~required~~ authorized by state or federal law or the use of a Social Security number for internal verification or administrative purposes.

(b) This section does not prevent the release of a Social Security number as part of a consumer report as defined in United States Code, title 15, section 1681a, paragraph (d), or in a request for such a report, that is furnished as a result of a transaction initiated by a consumer with the consumer's consent, furnished to a consumer's current or prospective employer with the consumer's consent, or furnished to a court or law enforcement agency.

(c) This section does not prohibit the use, disclosure, or transfer of a Social Security number in connection with the transfer of a loan, security, debt, account, or life insurance policy, where the value of the asset being transferred is based upon the ability to verify the identity of an individual that is a subject of an asset that is being transferred. For purposes of this paragraph, "transfer" includes an assignment as collateral.

EFFECTIVE DATE. This section is effective July 1, 2008."

The motion prevailed and the amendment was adopted.

S. F. No. 2390, A bill for an act relating to consumer protection; modifying restrictions on the collection and use of Social Security numbers; amending Minnesota Statutes 2006, section 325E.59, subdivision 3; Minnesota Statutes 2007 Supplement, section 325E.59, subdivision 1.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dominguez	Hilstrom	Liebling	Olson	Slawik
Anderson, B.	Doty	Hilty	Lieder	Otremba	Slocum
Anderson, S.	Drazkowski	Holberg	Lillie	Ozment	Smith
Anzelc	Eastlund	Hoppe	Loeffler	Paulsen	Solberg
Atkins	Eken	Hornstein	Madore	Paymar	Swails
Beard	Emmer	Hortman	Magnus	Pelowski	Thao
Benson	Erhardt	Hosch	Mahoney	Peppin	Thissen
Berns	Erickson	Howes	Mariani	Peterson, A.	Tillberry
Bigham	Faust	Huntley	Marquart	Peterson, N.	Tingelstad
Bly	Finstad	Jaros	Masin	Peterson, S.	Tschumper
Brod	Fritz	Johnson	McFarlane	Poppe	Urdahl
Brown	Gardner	Juhnke	McNamara	Rukavina	Wagenius
Brynaert	Garofalo	Kahn	Moe	Ruth	Walker
Buesgens	Gottwalt	Kalin	Morgan	Ruud	Ward
Bunn	Greiling	Knuth	Morrow	Sailer	Wardlow
Carlson	Gunther	Koenen	Mullery	Scalze	Welti
Cornish	Hackbarth	Kohls	Murphy, E.	Seifert	Westrom
Davnie	Hamilton	Kranz	Murphy, M.	Sertich	Winkler
DeLaForest	Hansen	Laine	Nelson	Severson	Wollschlager
Demmer	Hausman	Lanning	Nornes	Shimanski	Zellers
Dettmer	Haws	Lenczewski	Norton	Simon	Spk. Kelliher
Dittrich	Heidgerken	Lesch	Olin	Simpson	

The bill was passed, as amended, and its title agreed to.

S. F. No. 3021, A bill for an act relating to claims against the state; providing for settlement of various claims; appropriating money.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 126 yeas and 5 nays as follows:

Those who voted in the affirmative were:

Abeler	Beard	Brod	Cornish	Dittrich	Erhardt
Anderson, B.	Benson	Brown	Davnie	Dominguez	Erickson
Anderson, S.	Berns	Brynaert	DeLaForest	Doty	Faust
Anzelc	Bigham	Bunn	Demmer	Eastlund	Finstad
Atkins	Bly	Carlson	Dettmer	Eken	Fritz

Gardner	Hosch	Liebling	Murphy, E.	Rukavina	Thao
Garofalo	Howes	Lieder	Murphy, M.	Ruth	Thissen
Gottwalt	Huntley	Lillie	Nelson	Ruud	Tillberry
Greiling	Jaros	Loeffler	Nornes	Sailer	Tingelstad
Gunther	Johnson	Madore	Norton	Scalze	Tschumper
Hackbarth	Juhnke	Magnus	Olin	Seifert	Urdahl
Hamilton	Kahn	Mahoney	Otremba	Sertich	Wagenius
Hansen	Kalin	Mariani	Ozment	Severson	Walker
Hausman	Knuth	Marquart	Paulsen	Shimanski	Ward
Haws	Koenen	Masin	Paymar	Simon	Wardlow
Hilstrom	Kohls	McFarlane	Pelowski	Simpson	Welti
Hilty	Kranz	McNamara	Peppin	Slawik	Westrom
Holberg	Laine	Moe	Peterson, A.	Slocum	Winkler
Hoppe	Lanning	Morgan	Peterson, N.	Smith	Wollschlager
Hornstein	Lenczewski	Morrow	Peterson, S.	Solberg	Zellers
Hortman	Lesch	Mullery	Poppe	Swails	Spk. Kelliher

Those who voted in the negative were:

Buesgens	Drazkowski	Emmer	Heidgerken	Olson
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The bill was passed and its title agreed to.

Sertich moved that the remaining bills on the Calendar for the Day be continued. The motion prevailed.

MOTIONS AND RESOLUTIONS

Brod moved that the name of Kohls be added as an author on H. F. No. 2172. The motion prevailed.

Olin moved that the name of Heidgerken be added as an author on H. F. No. 2591. The motion prevailed.

Mahoney moved that the name of Erhardt be added as an author on H. F. No. 3315. The motion prevailed.

Sertich moved that the name of Murphy, E., be added as an author on H. F. No. 3345. The motion prevailed.

Thissen moved that the name of Kalin be added as an author on H. F. No. 3372. The motion prevailed.

Nornes moved that his name be stricken as an author on H. F. No. 3448. The motion prevailed.

Walker moved that the name of Tingelstad be added as an author on H. F. No. 3564. The motion prevailed.

Thissen moved that the name of Brod be added as an author on H. F. No. 3586. The motion prevailed.

Marquart moved that the name of Brown be added as an author on H. F. No. 3599. The motion prevailed.

Moe moved that the names of Urdahl, Doty and Heidgerken be added as authors on H. F. No. 3935. The motion prevailed.

Davnie moved that the name of Loeffler be added as an author on H. F. No. 4189. The motion prevailed.

Mahoney moved that H. F. No. 4199 be recalled from the Committee on Local Government and Metropolitan Affairs and be re-referred to the Committee on Taxes. The motion prevailed.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 3477:

Gardner, Davnie and Berns.

FISCAL CALENDAR ANNOUNCEMENT

Pursuant to rule 1.22, Solberg announced his intention to place H. F. No. 4075 on the Fiscal Calendar for Thursday, April 17, 2008.

ADJOURNMENT

Sertich moved that when the House adjourns today it adjourn until 11:00 a.m., Thursday, April 17, 2008. The motion prevailed.

Sertich moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 11:00 a.m., Thursday, April 17, 2008.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives